

15 February 2012

World Vision Australia
GPO Box 399C
Melbourne, Victoria 3001,
Australia

**Re: Criminal and civil liability relating to World Vision's provision of assets
& material support to the Union of Agricultural Work Committees**

Dear Sirs,

Shurat HaDin – Israel Law Center, an organisation dedicated to enforcing basic human rights through the legal system, represents victims of terrorism in courtrooms around the world.

It has come to our attention that World Vision Australia provides financial aid and other forms of material support to the Union of Agricultural Work Committees ("UAWC") located at al Nasser St, in the Hamas controlled Gaza Strip.

Please be advised that providing services to the UAWC is illegal and will expose World Vision and its officers to criminal prosecution in both Australia and the United States and civil liability to American citizens and others victimised by terrorism sponsored by the Popular Front for the Liberation of Palestine ("PFLP"), the UAWC's parent organisation.

The PFLP is a proscribed terrorist organisation listed by the Australian Government under the Charter of the United Nations Act 1945 ("the Act"). It is an offence, under section 21 of the Act for an individual or corporation to directly or indirectly make an asset available to a proscribed person or entity. The UAWC is the PLFP's agricultural organisation and is an agency or instrumentality of it. By providing financial aid to the UAWC World Vision directly or indirectly makes assets available to the PLFP. This is illegal even if the source of this money is an Australian government aid program as section 23 of the Act provides that it prevails over any other law.

The PFLP is also officially designated under United States law as a "Foreign Terrorist Organization," pursuant to section 219 of the Immigration and Nationality Act

(8 U.S.C. 1101 *et seq.*), as amended by the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132); as a “Specially Designated Terrorist,” pursuant to the International Emergency Economic Powers Act (P.L. 95-223; 50 U.S.C. 1701 *et seq.*) and Presidential Executive Order 12947; and as a “Specially Designated Global Terrorist” pursuant to Presidential Executive Order 13224.

The PLFP’s funding is shared and distributed among its family of institutions, including the UAWC. The PLFP is the controlling hand of the UAWC and PLFP members form the executive of the organisation.

I also call your attention to the United States Supreme Court’s recent ruling in the case of *Holder v. Humanitarian Law Project*, 561 U.S. ---- (2010), 130 S. Ct. 2705 (2010), which found that providing any assistance or support to designated terrorist groups, include putatively benign forms of assistance (such as agricultural aid) is criminal. In *Holder* the Court stated:

“Moreover, material support meant to promote peaceable, lawful conduct can be diverted to advance terrorism in multiple ways. The record shows that designated foreign terrorist organizations do not maintain organizational firewalls between funds raised for humanitarian activities and those used to carry out terrorist attacks.”

Your provision of aid to the UAWC, which inures to the benefit and interests of the PFLP, constitutes the type of seemingly innocuous material support that renders your organisation and you personally criminally and civilly liable under Australian and United States law. This includes liability for future terrorist attacks carried out by the PFLP.

Accordingly, any provision of material support or resources to the UAWC by World Vision and/or its officers constitutes a criminal violation of section 21 of Charter of the United Nations Act 1945 (Australia) and the criminal and civil provisions of Chapter 113B, Title 18 United States Code, and of the criminal provisions of the US International Emergency Economic Powers Act, of numerous US Executive Orders and of their implementing regulations (31 CFR Parts 594, 595 and 597).

Many U.S. entities and individuals who have provided material support to terrorists have been sued by the terror victims and their families for aiding and abetting international terrorism. Many of these defendants now find themselves defending against multi-million dollar civil actions in federal courts around the United States. In addition, corporations that provided material support to militant organisations in the Middle East are currently defendants in multi-million dollar civil actions in U.S. federal courts brought by the victims of these groups, and officers and principals of such



corporations have also become defendants. *See e.g. Abecassis v. Wyatt*, 785 F.Supp.2d 614 (S.D.Tex. 2011); *Wultz v. Islamic Republic of Iran*, 755 F. Supp. 2d 1 (D.D.C. 2010).

In light of the above, we request that you immediately provide us written confirmation that World Vision has discontinued the provision of aid and material support to the UAWC.

Absent such confirmation, we will seek all available relief and remedies against World Vision and its officers in all relevant jurisdictions.

Yours Sincerely,

Nitsana Darshan-Leitner, Esq.
Attorney (Israel)

Andrew Hamilton
Solicitor (NSW)