



WASHINGTON DC COURT ALLOWS VICTIMS' CASE TO GO FORWARD AGAINST THE BANK OF CHINA



The civil action was filed by the family of Daniel Wultz z"l, a 16 year old American citizen, who was murdered in an Islamic Jihad suicide bombing on April 17, 2006 at a Tel Aviv restaurant. Wultz was a 10th grade high school student in Florida and was visiting Israel over the Passover holiday when the attack occurred. Ten other individuals were killed in the explosion and Wultz' father, Tuli, was also seriously injured.

The suit charges Bank of China Ltd. with "intentionally, recklessly, and negligently providing extensive banking services to the Islamic Jihad and Hamas organizations, which caused, enabled, and facilitated terrorist attacks." The plaintiffs claim that the bank, by its provision of financial services, aided and abetted the Palestinian terrorist groups.

In their complaint the plaintiffs allege that transfers were made from Hamas headquarters in Syria to a Guanzhou, China account in the name of Said al-Shurafa, a Hamas operative, who then wired funds through the Bank of China's American branches to terrorists in Israel, the West Bank, and the Gaza Strip. The suit also contends that Chinese bank officials were warned by members of Israel's counter-terrorism division in an April 2005 meeting that these wire transfers were taking place, and accuses bank officials of doing nothing to stop them.

The lawsuit alleges that Chinese officials were expressly warned and even given the name of the Hamas official as well as the dates and amounts of the transfers. The wires were all suspiciously made in structured transactions in amounts of less than \$100,000 each which should have raised red flags for the bank under international banking regulations.

In their meeting, officials of China's Central Bank told Israel's counter-terrorism agents that China does not consider Hamas and Islamic Jihad to be terrorist organizations. However, shortly after the case was filed the Bank of China shut down al-Shurafa's bank account.

In his decision, Judge Lamberth explained that: "Israeli officials allegedly informed China, which informed the Bank of China (BOC), that the transfers were enabling the terrorist activities of the Palestinian Islamic Jihad. Plaintiffs have thus adequately pled that the BOC knew that its provision and collection of funds would be used to carry out terrorist attacks such as the Tel Aviv bombing. Importantly, it is not necessary that the funds were actually used to carry out a predicate act'. BOC's knowledge that they could be, even if they actually were not, is enough."

The plaintiffs will now be entitled to seek discovery from the Bank of China (BOC) including details of the funds received from Hamas in Syria and the wire transfers from the suspected account. A companion case, brought on behalf of Israeli terror victims is being litigated in New York.