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A fitting punishment?

Harrisonburg man faces prison time, possible deportation for wiring money without a license

By Joe T. O'Connor

In 1997, as part of Operation Pacific Haven, the United States government brought more than 6,500 Kurdish refugees to America to protect them from Saddam Hussein. They were dispersed throughout the United States and some settled in the Shenandoah Valley.

On Aug. 5, 2004, FBI agents raided more than eight Kurdish homes in Harrisonburg, seizing bank records, computers and telephone information.

A year later, on Oct. 21, 2005, federal agents arrested four men in Harrisonburg for operating an illegal money transmitting business. The accused say they were sending money home to their families in Northern Iraq. Under the PATRIOT Act, the destination or purpose for sending the money doesn't matter - any amount of money transmitted overseas for any reason requires a license.

And the absence of this license created a nightmare for Rasheed Qambari.

"I remember everything," said the 38-year-old immigrant from Kurdistan in northern Iraq. Qambari has been a major part of the Shenandoah Valley's Kurdish community for 10 years. As a court and Harrisonburg public schools translator, he has bridged the gap and connected the Kurds to the rest of the city. He now faces deportation for actions he didn't know were illegal.

Since October, Qambari has gone to trial and been convicted. He will be sentenced at the U.S. District Court in Harrisonburg on May 3.

Qambari's story

Qambari is 5 feet 6 inches tall and of medium build. He has a thick mustache, save for a bare spot in the middle - a scar from when he fell off a horse as a child in Kurdistan. He came to Harrisonburg as a part of Operation Pacific Haven and, up until this year, expected to receive his U.S. citizenship.

"As I understand it, all Rasheed had left to do was raise his right hand," said David McCaskey, Qambari's court-appointed attorney from Staunton.

On Jan. 30, court records show, a jury in the U.S. District Court found Qambari, 38, guilty of operating an illegal foreign money transmitting business under Title 18, United States Code, Section 1960.

Qambari said he did not know he was breaking the law. That's where the U.S. PATRIOT Act of 2001 comes into play.

Short for "Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," the PATRIOT Act "adjusted the intent requirement," said John Brownlee, U.S. District Attorney, based in Roanoke. "These are serious matters. We have to properly track money going overseas so it's not going to the wrong places. It's up to him [to know the law]."

Before the Patriot Act passed, prosecutors had to show that people intended to use the money for criminal purposes. Now, they need only show that the money was transferred without a license.

And the law is tough. According to the government's instructions to the jury for Qambari's case, four elements of the charge had to be proven "beyond a reasonable doubt to convict the defendant."

One element was that Qambari did not have a license to operate his money transmitting business. The court document reads: "In order to satisfy this element the government does not need to prove that Rasheed Qadir Qambari knew a license was required by state or federal law to operate a foreign money

transmitting business. Instead, it must prove only that the defendant knowingly operated a foreign money transmitting business and that the defendant knew that the business he operated was not licensed."

Qambari pleaded not guilty, and he said "McCaskey asked me, 'Do you feel like you committed a crime?' " Qambari said. "I told him, 'No.' "

Qambari maintains that the FBI originally investigated him because it thought he was providing funds to terrorist organizations. "They asked me if I knew bin Laden," he said.

The government's concern over wire transfers partly goes back to the events of 9-11, which inspired the PATRIOT Act. The PATRIOT Act, in turn, tightened the restrictions and enforcement on wire transfers.

The commission that investigated 9-11 later reported that "the 9/11 plotters spent somewhere between \$400,000 and \$500,000," and of that money, they received about \$130,000 "via wire or bank-to-bank transfers." According to court documents presented during Qambari's trial, the jury found that, whether knowingly or unknowingly, Qambari wired money to Iraq. But the prosecution, according to court documents, provided no evidence during the trial that showed the money was sent to terrorists. Seven witnesses testified that the money went to family and friends. And, Qambari said, the majority of these witnesses were summoned by the prosecution.

"Before the PATRIOT Act, you had to have criminal intent," McCaskey said. "Now it's not a question of intent, it's a question of did you do it or did you not do it."

Coming to America

Qambari lives in a four-bedroom house in a quiet neighborhood in Harrisonburg with his wife, Samira, and their five children.

As he told his story, Qambari sat on a couch in his living room, large peacock feathers in an ornate vase to his left. Iraqi news, broadcasted via satellite, played on the TV.

The news was on at 7 a.m. on Oct. 21, when Qambari said five FBI agents knocked on his door.

"They came in and handcuffed me in front of my kids," said Qambari, who remembers being hustled past law enforcement officers from numerous agencies, and into a car. "Now every time someone in a suit comes to the door, Aren runs to her room and hides under a blanket."

Aren is Qambari's 6-year-old daughter. She sat on the leather couch next to her father, whose short fingers tapped Islamic prayer beads, called tazbeeh, so he wouldn't smoke more than three Marlboro Lights a day. He smokes to handle the stress of his 60-hour work week, split between cleaning carpets and working the night shift at Pilgrim's Pride poultry company. And he smokes because he's worried about his family's future.

Thirteen-year-old Alan's outstanding student award rests on the low glass table. Mustafa, 11, is working on his tomato garden in the back yard.

Alan and Mustafa are the oldest of the Qambari children. But they aren't old enough to remember when their father left Iraq nearly 10 years ago. Rasheed Qambari wept as he told his family's story.

In August 1996, Qambari said he left his hometown Arbil, the capital of Kurdistan, at 3 a.m. Saddam Hussein had discovered that thousands of Kurds in northern Iraq had been working for U.S. government-funded Non-governmental Organizations (NGOs). Qambari, who previously taught math and physics in Kurdistan, said he was working for the U.S.-funded Iraq Broadcast Company when Hussein discovered the Kurdish insurgency. "We were trying to get Iraqis to switch sides and embrace America," Qambari said. When Hussein found out, he sent troops to Kurdistan to flush out the resistance.

"Saddam buried entire villages alive," he said. "He would order his soldiers to shoot people in the legs, then push them into a big pit and push mud on top of them."

"My wife told me to run, that she and the kids could hide," said Qambari. "We could have taken cars, but we had to be smarter than that because of the helicopters."

So he ran, literally, and left his wife and two sons behind.

Qambari said he and thousands of other Kurds left Arbil on foot, hiking for 14 hours before finally reaching a small village in the mountains of northern Iraq. There, Qambari hitched a cab ride to Turkey, where he discovered that the United States government was offering asylum to the Kurds under Operation Pacific Haven.

"We evacuated in September 1996. I had to leave my wife and boys in Iraq and come here," Qambari said. Samira and her children hid with friends, changing locations regularly to avoid being discovered.

The rescued Kurds were taken first to Guam, where U.S. government officials conducted background checks and briefed the Kurds on how life would be in

America.

Qambari said he wasn't able to talk to his wife until he reached Harrisonburg, some six months after leaving Iraq. "The whole time, I was sending money back to my friends that were hiding them, for rent and food," he said.

In 1997, Qambari borrowed \$3,000 in loans from Central Fidelity Bank and \$5,000 from friends. Combined with the \$7,000 that he saved in six months by working more than 80 hours a week, Qambari used the \$15,000 to bring his family to Harrisonburg. They finally arrived on May 12, 1998.

"It was the happiest day of my life," Qambari recalled.

Serving the community

Qambari worked for five years with the Harrisonburg Refugee Resettlement Program, a branch of the U.S. Department of Health and Human Services. He has also volunteered as a translator for the Rockingham County District Court and Harrisonburg Public Schools. According to many, he has been invaluable to the community.

"He helped me out when I needed a translator," said Vicki Barnard, director of the Victim/Witness Program for the Commonwealth Attorney's office. "Our purpose is to assist victims and Rasheed translated for me for free."

From 1998 to 2003, Qambari was a caseworker for the Virginia Counsel of Churches Refugee Resettlement Program in Harrisonburg. Viktor Soklyuk, the program's coordinator for nearly 15 years, says Qambari went beyond his job's requirements to assist those who needed it.

"He is a compassionate, honest and loyal guy," said Soklyuk, a native of the Ukraine. "No matter when you need help, Rasheed would never ask why or for who just when."

During this time, Qambari continued to repay loans and send money to his family in Iraq, including his deaf mother, who is 72 years old. "She needed eye surgery, so I sent money for that," Qambari said.

But Qambari feels for more than just his immediate family. Many people of northern Iraq have no electricity, he said. "At the hospitals each morning they have medication for 30 people, and 250 are standing in line.

"There is no Western Union there," Qambari said. "There's not even a social system in Iraq. They need money. Who will help them if we don't? It's pretty hard to reject people when they ask for money to buy food and medicine."

But, he said, wiring money to family members gets expensive. Each wire transfer from a bank costs the sender, no matter what bank one goes through.

So when Kurds in the area and around the country heard that Qambari had a friend in Turkey who would receive the money and distribute it to their families, they started sending money to Qambari. Years later, his helping hands would be handcuffed.

In January 2003, the Qambaris received their first visit from FBI agents. "They asked us how we felt about the United States invading Iraq," said Qambari. "My wife said 'Please do, and I will dance in the street.' " When U.S. troops went into Iraq in April 2003, Samira Qambari danced in the middle of the street in front of their house.

Focusing on security

In August 2004, the agents returned to Qambari's house. They seized most of his family pictures and, according to court records, confiscated checks and his notebook in which he kept track of the people for whom he transferred money. "They took every piece of paper in the house," Qambari said. "They even took a Wal-Mart receipt out of my shirt pocket."

That was also the first time FBI agents Stephen Duenas and Bradley Gregor offered Rasheed Qambari a job, he says. Qambari maintains that the agents offered him employment a second time on a subsequent visit.

The FBI refused to comment because Qambari has not been sentenced, according to FBI spokesman Lawrence Barry.

"They wanted me to translate for them," Qambari said. "But I asked them, if I'm not a citizen yet, how can I work for the FBI? They told me they could take care of that."

But citizenship, apparently, was far from Qambari's grasp.

On Oct. 21, agents arrested Qambari, along with Harrisonburg Kurds Ahmed Abdullah, Amir Rashid and Fadhil Noroly, for operating an illegal money transmitting business. Qambari pleaded not guilty, Abdullah and Rashid pleaded guilty, and, according to U.S. Attorney John Brownlee, Noroly has yet to enter a plea. No one has been sentenced.

"In Virginia, not having a license for a money transmitting business is a misdemeanor," Brownlee said. "In the federal system, it is a felony."

According to sentencing guidelines, Qambari faces deportation, up to five years in prison, up to \$250,000 in fines and can only gain citizenship through a presidential pardon. He can apply for this pardon five years from Jan. 30, his trial date.

He knows he made a mistake by not transferring the money the right way. And he understands that the government agents were doing their jobs when they arrested him.

"I have great respect for those guys. Their job is very hard." But, he added, "Punish me as much as my mistake deserves."

Qambari plans to appeal the charge after his sentencing on May 3, and is praying that the judge will be lenient.

"If I get deported back to Iraq, I will be a nice gift for the insurgents. I will be dead. And I don't want to bring my family back there," he said. "If you think there's a fire, would you take your family back into the fire?"

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