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**Collection:** Counterterrorism and Narcotics, Office  
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**Folder Title:** Terrorism: Individuals: Hammadei,  
Mohammed [Muhammad Hammadi] (9)

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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** COUNTERTERRORISM AND NARCOTICS, NSC:  
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SMF 5/19/2010

**File Folder** TERRORISM: INDIVIDUALS: HAMMADEI, MOHAMMED  
[MUHAMMAD HAMMADI] MCNAMARA, NSC STAFF (9)

**FOIA**

F97-082/4

**Box Number** 92270 RAC Box 8

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
91627	CABLE	BELGRADE 06289	2	6/28/1988	B1
91628	REPORT	RE HAMMADEI TRIAL	1	7/6/1988	B1 B3
91629	CABLE	071231Z OCT 88	4	10/7/1988	B1 B3

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# TWA Hijacking Trial Begins

## in West German Court

RB ✓  
SA ✓

Q Hammadi

### Hammadi Refuses to Enter Plea to Charges

By Robert J. McCartney  
Washington Post Foreign Service

FRANKFURT, July 5—A West German state prosecutor accused Lebanese Mohammed Ali Hammadi of murder, air hijacking and other crimes at the opening of his trial today, and the parents of a slain U.S. Navy diver confronted the defendant in court as complaintiffs with the prosecution.

Hammadi formally declined to enter a plea responding to the charges. He gave his name and rebuffed presiding judge Heiner Mueckenberger's request that he identify his birthplace and provide other biographical information.

The trial, which is expected to last into next year, opened in a new, top-security courtroom. Six large panes of bulletproof glass separated the official participants from a gallery of 100 journalists and spectators.

Authorities took no extra precautions despite the U.S.-Iranian confrontation, because, as court spokesman Falk Thomas said, "You can't go over 100 percent."

Hammadi, a Shiite Moslem, has been linked to the pro-Iranian Lebanese Shiite militia group Hezbollah or Party of God. In the 1985 TWA

jet hijacking, which he is accused of helping to stage, the hijackers demanded release of more than 700 Lebanese Shiites detained by Israel.

Richard and Patricia Stethem, parents of murdered Navy diver Robert Dean Stethem of Waldorf, Md., represented themselves, their three surviving children and six U.S. hijacking victims who were held 17 days after the diversion of their TWA Athens-to-Rome flight.

The two hijackers wielded two hand grenades and a pistol in seizing the Boeing 727 and shot Stethem in the head while holding him in the plane's doorway, the prosecution charged. They dumped him on the tarmac of Beirut's international airport, where he subsequently died, it said.

The prosecution identified Hammadi's accomplice as H. Izzaldine of Lebanon, who is still at large. The hijackers are believed to have killed Stethem to pressure airport authorities to refuel the plane.

The American complaintiffs, who are able to participate in court proceedings under West German law, want "just punishment" for the guilty rather than "blind revenge," their West German lawyer, Rainer Hanun, told the court. "I can't be any help for their son or brother, but they hope that it will spare other families the same suffering," Hamm said.

The Stethems did not speak to the media in the courtroom, and Hamm said that they preferred not to do so at this time. They were the only ones of the 11 complaintiffs to appear here, he said.

Prosecutor Achim Thiel read a half-hour summary of charges at a court of West Germany's south-central state of Hesse in this national financial capital.

Hammadi's four defense lawyers squabbled among themselves and used apparent delaying tactics that resulted in four recesses during the half-day session.

Proceedings broke off for 40 minutes at one point to allow Hammadi to get a pain reliever after he

complained of a headache. He appeared relaxed and even scornful of the proceedings, yawning repeatedly and fingering a string of dark-colored worry beads. He wore a light blue shirt and blue jeans, and was clean-shaven with medium-length hair.

The defense challenged the selection of Hammadi's German-Arabic interpreter on grounds that he was biased, and said that one of the three substitute court members lacked sufficient experience for the job.

The five-member court, which pronounces the verdict, is made up of three judges and two lay jurors. The substitutes observe proceedings in case they later are called as replacements.

Presiding judge Mueckenberger was generally conciliatory toward the defense's repeated calls for recesses. At one point, however, he ordered the court stenographer to record that defense attorney Michael Senz was aggressively interrupting the session.

The prosecution said that the hijackers beat Stethem and other passengers in 16 cases of physical maltreatment using a dangerous weapon.

The U.S. complaintiffs' lawyer, Hamm, asserted that the trial is taking place "in the wrong country," because West Germany a year ago refused a U.S. request to extradite Hammadi to Washington for trial.

In doing so, the Bonn government bowed in part to pressure from the Lebanese kidnapers of West German businessman Rudolf Cordes. He was grabbed in Beirut four days after Hammadi's arrest at the Frankfurt airport 18 months ago, and his abductors warned Bonn against extraditing Hammadi.

Hamm asked the court to assure the public that the threat to Cordes would not affect the trial's outcome.

Guards did two body searches on each journalist and spectator who entered the visitors' gallery. Police with machine guns patrolled outside the courthouse, built on the grounds of a state prison.

# Lebanese Accused of Killing U.S. Navy Diver to Go on Trial

By Robert J. McCartney  
Washington Post Foreign Service

FRANKFURT, July 4—Shortly after 2:30 a.m. on June 15, 1985, two radical Shiite hijackers wearing Palm Beach suits and Italian shoes dragged U.S. Navy diver Robert Dean Stethem of Waldorf, Md., to the door of a TWA jet parked on a runway of Beirut International Airport, shot him in the head and hurled his body to the tarmac.

On Tuesday, in a \$6.7 million, high-security courtroom built for the occasion, Lebanese Mohammed Ali Hamadei goes on trial on charges of having participated in the murder.

The trial will be scrutinized by Washington policymakers and Beirut kidnapers as a rare instance in which a suspected major international terrorist faces the court of a western democracy.

"We will be watching it closely as a measure of effective western response to terrorism," said L. Paul Bremer, the State Department's ambassador-at-large for counter-terrorism.

In Lebanon, the kidnapers of West German chemical company manager Rudolf Cordes also will be watching. They grabbed Cordes as a hostage four days after Hamadei's arrest in January 1986, to press for the defendant's release. Two other West Germans were later kidnaped in Lebanon but have been released.

The case carries considerable symbolic importance in the United States, because the dramatic 17-day hijacking is one of the best known instances in which terrorists directly challenged the U.S. government.

In many American memories, the image still is sharp of Capt. John L. Tetrake's televised interview in the Boeing 727 cockpit while a hijacker pointed a gun at his head. Purser Ulrike (Uli) Derickson became a heroine for refusing the hijackers' demand that she pick out passports of passengers with Jewish-sounding names.

"This is an extremely important case because of the brutality of the crimes and the prolonged agony of the passengers who were held hostage," Bremer said.

Thirty-nine Americans out of the original 153 passengers and crew were held hostage for the full 17 days. More than 700 Moslem detainees held by Israel were released in stages, as the hijackers had demanded, after the hijacking ended.

Hamadei faces a mandatory life sentence if he is convicted of murdering Stethem. The prosecution plans to call 125 witnesses, including a large number of the American passengers, and the trial is scheduled to last until December.

It is understood that none of the witnesses actually saw which hijacker pulled the trigger. Under German law, however, a hijacker could be found guilty of murder if he was aware that the killing was planned and approved it.

Passengers have said they saw a man who resembles Hamadei drag Stethem to the front of the cabin, wave a gun in the air, and exult after the shooting.

There is a possibility that the maximum sentence could be reduced to 15 years if the court judges that it is important that Hamadei was under 21—and therefore not an adult—at the time the hijacking was planned. Persons between the ages of 18 and 21 can receive special treatment under West German law.

According to the birthdate on several official documents, Hamadei turned 21 the day before the hijacking began, and now is 24.

A document purported to be a Lebanese birth certificate indicating that he is four years younger—which would require that he be treated as a juvenile, and face a maximum 10 years' sentence—is not taken very seriously even by his court-appointed defense attorney, Gabriele Steck-Bromme.

Hamadei also faces sentences of up to 15 years' imprisonment if convicted on a variety of other charges, including hijacking, hostage-taking,

aggravated robbery and what translates from German as "robber-like extortion." He faces lesser charges of causing grievous bodily harm, explosives violations and forgery.

The stakes in the case are mixed for West Germany, where Hamadei was caught 18 months ago at Frankfurt airport as he allegedly tried to smuggle in four bottles of highly explosive liquid disguised as wine.

West German authorities have pledged to prosecute Hamadei to the full force of the law, and they know that any backsliding will draw bitter protests from Washington.

Court officials here and federal officials in Bonn emphasized that the nation's judiciary is independent of outside pressures. But Bonn also wants to safeguard hostage Cordes in Lebanon and has already disappointed Washington by refusing a year ago to extradite Hamadei to the United States to stand trial.



MOHAMMED ALI HAMADEI  
...accused of hijacking TWA

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91628	REPORT  RE HAMMADEI TRIAL	1	7/6/1988	B1  B3

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*Hamadei*

<SUBJ>SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS

<TEXT>

UNCLAS SECTION 01 OF 05 BONN 33573  
DEPT PLEASE PASS TO NSCS FOR T. MCNAMARA  
DOJ FOR CRIM; FBI FOR IT-MEU  
E. O. 12356: N/A

TAGS: CJAN, PTER, GE

SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS

1. INTRODUCTION AND SUMMARY: IN THE COURSE OF THE SEPTEMBER 26-28 SESSIONS OF THE TRIAL OF MOHAMMAD HAMADEI, LITTLE MORE LIGHT WAS SHED ON THE MURDR OF ROBERT STETHEM. TESTIMONY BY HOSTAGES SUGGS AND INGALLS AS WELL AS THREE FLIGHT ATTENDANTS PRODUCED SOME CONTRADICTIONS ON HAMADEI'S ROLE AND ON A NUMBER OF INSIGNIFICANT DETAILS. IT BECAME CLEAR THAT THE DEFENSE STRATEGY CONTINUES TO BE TO BRING OUT THESE INCONSISTENCIES. U.S. INVESTIGATIVE AUTHORITIES BECAME FOCUS OF DEFENSE ATTACK WHEN FBI PRODUCED THROUGH NEBENKLAEGER ATTORNEY A NEW DOCUMENT FROM LEBANON INDICATING THAT HAMADEI WAS REGISTERED IN 1964 AS HAVING BEEN BORN JUNE 13, 1964. IN A HEATED AND AT TIMES CONFUSED CROSS-EXAMINATION OF FBI GARY NOESNER, THE DEFENSE INSINUATED THAT U.S. AUTHORITIES WERE IMPROPERLY INFLUENCING THE TRIAL PROCEEDINGS. END INTRODUCTION AND SUMMARY.

2. RE HAMADEI'S BACKGROUND: THE PRESIDING JUDGE REPORTED UNSUCCESSFUL ATTEMPTS TO CONTACT HAMADEI'S PARENTS IN LEBANON IN ORDER TO OBTAIN MORE INFORMATION ON THE DEFENDANT'S AGE. HE HAD LEARNED FROM DEFENSE ATTORNEY SENZ THAT HAMADEI'S PARENTS WERE CONSIDERING TESTIFYING BEFORE THE FRANKFURT COURT PROVIDED THEY WERE GRANTED VISAS AND FREE PASSAGE (IN CASE THE COURT ACCUSES THEM OF GIVING FALSE TESTIMONY). THE PRESIDING JUDGE SAID THAT FREE PASSAGE COULD NOT BE GRANTED JUST TO PROTECT SOMEONE WHO MIGHT MAKE FALSE STATEMENTS. HAMADEI THEN SAID THAT HIS DEFENSE LAWYER SENZ HAD CONTACTED HIS PARENTS AND WAS TOLD THAT THEY WOULD COME ON SEPTEMBER 6. WHEN THEY DID NOT SHOW AT THE AIRPORT, SENZ MADE INQUIRIES AND WAS TOLD BY SEVERAL LEBANESE SOURCES THAT THE HAMADEIS HAD IN FACT LEFT LEBANON ON THAT DAY, BUT NEVER ARRIVED. THEIR WHEREABOUTS ARE UNKNOWN.

3. RE FUTURE WITNESS SCHEDULE: THE JUDGE ASKED ALL PARTIES INVOLVED TO CONSIDER WHICH WITNESSES' TESTIMONY MIGHT BE DISPENSED WITH. HE HIMSELF SUGGESTED THAT THERE WAS NO NEED TO HEAR SCHWARZ, BROWN, OR THE PALMERS. REGARDING THE DEFENSE MOTION TO HEAR THE MYSTERY PASSENGER OF SEAT 29D, THE JUDGE SAID THAT THIS QUESTION HAD BEEN TAKEN CARE OF (FBI NOESNER CONFIRMED THAT THERE IS NO FURTHER INVESTIGATION POSSIBLE). ATTEMPTS ARE BEING MADE TO CONTACT THE

ALGERIAN FOREIGN MINISTER TO ASK HIM TO TESTIFY, AS THE DEFENSE REQUESTED IN A MOTION LAST WEEK. THE DEFENSE'S MOTION TO OBTAIN ALL FBI MATERIAL WAS DENIED BECAUSE AT THE MOMENT THERE WAS NO OBVIOUS NEED FOR FURTHER EVIDENCE AND IT WAS NOT EVIDENT NOW THAT THE MATERIAL IN QUESTION WOULD PROVIDE NEW INFORMATION NECESSARY FOR THE PROCEEDINGS. THIS MATERIAL COULD NOT NECESSARILY DOCUMENT EVENTS INSIDE THE AIRCRAFT, WHICH IS WHAT THE COURT HAS TO DEAL WITH PRIMARILY. THE JUDGE SAID, HOWEVER, THAT IF THERE WERE SWORN STATEMENTS BY WITNESSES BEFORE THE GRAND JURY, THE COURT WOULD HAVE TO RECONSIDER. (WHEN IT BECAME CLEAR THAT CLINTON SUGGS HAD MADE A SWORN STATEMENT BEFORE THE GRAND JURY, THE PRESIDING JUDGE INDICATED THAT HE WOULD UTILIZE DIPLOMATIC CHANNELS TO OBTAIN GRAND JURY MATERIAL FROM THE U.S.)

UNCLAS SECTION 02 OF 05 BONN 33573  
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E. O. 12356: N/A

TAGS: CJAN, PTER, GE

SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS  
4. RE DOCUMENTATION ON HAMADEI FAMILY: NEBENKLAEGER  
ATTORNEY HAMM ANNOUNCED THAT HE HAD JUST RECEIVED A NEW DOCUMENT FROM THE LEBANESE DEPARTMENT OF INTERIOR VIA FBI SOURCES. THIS DOCUMENT WAS A LIST OF ALL HAMADEI FAMILY MEMBERS WITH THEIR BIRTHDATES AND THE DATES ON WHICH THEIR BIRTHS WERE REGISTERED. HAMM SAID THAT IT WOULD PROVE THAT SEVERAL OF HAMADEI'S BROTHERS WERE REGISTERED YEARS LATE, BUT HAMADEI HIMSELF WAS REGISTERED IN 1964. WHEN HAMM INDICATED THAT HE HAD RECEIVED THE DOCUMENT FROM GARY NOESNER, DEFENSE ATTORNEY STECK REMARKED: "THIS MEANS REMOTE CONTROL OF A TRIAL!"

TESTIMONY OF CLINTON SUGGS

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5. THE JUDGE BEGAN QUESTIONING OF CLINTON SUGGS BY ASKING FIRST WHETHER HE HAD READ BOOKS OR SEEN FILMS OF THE HIJACKING, AND REQUESTING THAT HE STICK MERELY TO HIS OWN RECOLLECTION OF EVENTS TODAY AND NOTE WHERE HIS MEMORY MIGHT BE FAULTY. SUGGS CONFIRMED THAT HAMADEI ENGAGED IN BEATING HIM AND STETHEM AND THAT HAMADEI ACTED PARTICULARLY BRUTALLY WITH STETHEM; THE MORE STETHEM SCREAMED OUT, THE MORE HAMADEI WOULD BEAT HIM (THIS CONTRADICTS SEVERAL WITNESSES WHO TESTIFIED THAT STETHEM NEVER CRIED OUT, EVEN DURING THE MOST SAVAGE BEATINGS). SUGGS CONFIRMED PREVIOUS TESTIMONY THAT HAMADEI REFUSED TO LOOSEN STETHEM'S EXTREMELY TIGHT TIES AFTER A BRUTAL BEATING BY SAYING: "LET THE PIG SUFFER." SUGGS ALSO SAID THAT BOTH HIJACKERS BEAT KURT CARLSON, BUT HE ALSO SAID THAT HAMADEI WENT TO CARLSON LATER ON TO APOLOGIZE AND TELL HIM: "I'M SORRY TO BEAT YOU, BUT WE HAVE TO DO IT FOR OUR CAUSE."

6. RE MURDER: SUGGS RECALLED NOTHING THAT WOULD SHED MORE LIGHT ON THE ACTUAL KILLING OF ROBERT STETHEM. SUGGS, WHO WAS TIED AND BLINDFOLDED AT THE TIME, COULD ONLY HEAR THE TWO HIJACKERS BEAT STETHEM. HE THEN HEARD A SHOT AND STETHEM SCREAM "OH, GOD, OH, GOD!" THEN SUGGS HEARD A SECOND SHOT, THE DOOR OPENED, AND SUGGS HEARD STETHEM'S GROANS FROM OUTSIDE THE PLANE, BEFORE THE DOOR CLOSED AGAIN. (UPON QUESTIONING, SUGGS SAID THAT THERE WERE DEFINITELY TWO SHOTS AND THAT THE ENGINES WERE STILL RUNNING, BUT THAT HE DID NOT HEAR ANYTHING LIKE "GET UP, GET UP".) SUGGS THEN HEARD THE



ANNOUNCEMENT "ONE MORE FIVE MINUTES", BUT WAS UNABLE TO TELL WHICH HIJACKER SAID IT. AS HE WAS BLINDFOLDED AT THE TIME AND THE HIJACKERS STARTED BEATING HIM AGAIN, HE ASSUMED THAT HE WOULD BE THE NEXT ONE TO BE KILLED. IT WAS ONLY AFTER ULI DERICKSON HAD STEPPED IN AND TOLD THE HIJACKERS THAT THEIR DEMANDS WERE ALREADY MET THAT THEY STOPPED BEATING SUGGS. UPON CROSS-EXAMINATION, SUGGS SAID THAT THE TWO SHOTS WERE 45 SECONDS TO ONE AND A HALF MINUTES APART. HE COULD NOT PROVIDE INFORMATION ON WHICH HIJACKER WAS WHERE AT THE TIME OF THE SHOTS.

7. RE PERSONAL CONSEQUENCES OF THE HIJACKING: THE PRESIDING JUDGE EXPLAINED THAT THE COURT HAS TO ASSESS THE GRAVITY OF THE CRIME IN TERMS OF THE LONG-TERM EFFECTS ON THE HOSTAGES. CLINTON SUGGS ACKNOWLEDGED THAT HE STILL UNDERGOES PSYCHIATRIC TREATMENT ONCE A WEEK TO COPE WITH THE HELPLESS ANGER AND THE INSOMNIA THAT HE HAS SUFFERED EVER SINCE. UPON QUESTIONING BY THE DEFENSE, SUGGS SAID THAT HE HAD BEEN PAID DAMAGES BY TWA.

8. RE HAMADEI'S ROLE: SUGGS POSITIVELY RECOGNIZED HAMADEI AGAIN IN COURT. SUGGS SAW HAMADEI NINETY PERCENT OF THE TIME, WHILE THE OTHER HIJACKER WAS IN THE COCKPIT. SUGGS SAID THAT HE WAS ALWAYS MOVED, TIED AND BLINDFOLDED BY HAMADEI. ACCORDING TO SUGGS,

UNCLAS SECTION 03 OF 05 BONN 33573  
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E. O. 12356: N/A

TAGS: CJAN, PTER, GE

SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS  
HAMADEI HAD THE GUN IN HIS HAND EACH TIME HE SAW HIM.  
JEFFREY INGALLS, HAZEL HESP, JUDY COX, BETTY HOWES

-----  
9. RE IDENTITY AND ROLE OF THE HIJACKERS: ALL FOUR WITNESSES IDENTIFIED HAMADEI AS THE HIJACKER KNOWN AS "CASTRO" DURING THE HIJACKING. INGALLS IDENTIFIED PICTURE 19 ON A PHOTOSPREAD AS THE SECOND HIJACKER WHO CALLED HIMSELF SAID (THE OTHER THREE WERE NOT SHOWN THE PHOTOSPREAD). NONE OF THE WITNESSES HAD DIFFICULTY DISTINGUISHING THE TWO HIJACKERS BY SEVERAL FEATURES: HAMADEI ("CASTRO") WAS SHORTER, BROADER-BUILT, WITH CURLY HAIR, WHILE "SAID" WAS TALL AND SLENDER, WITH STRAIGHT HAIR. ALL THE WITNESSES ESTIMATED BOTH HIJACKERS TO BE IN THEIR EARLY TWENTIES AT THE TIME, WITH INGALLS ADDING THAT HAMADEI SEEMED TO BE THE OLDER ONE OF THE TWO.

10. RE LEADER OF THE MISSION: THE ROLES OF THE HIJACKERS HAVE BEEN PERCEIVED DIFFERENTLY: JEFFREY INGALLS RECALLED NO LEADER/SUBORDINATE DISTINCTION BETWEEN THE TWO HIJACKERS. ACCORDING TO INGALLS, THEY HAD EQUAL ROLES, ALTHOUGH "SAID" SPENT MORE TIME IN THE COCKPIT. CONFRONTED WITH A PREVIOUS STATEMENT IN WHICH INGALLS HAD TERMED HAMADEI THE COMMANDER, INGALLS COMMENTED: "IT MUST HAVE BEEN CLEARER IN MY MIND THEN." IT SEEMED OBVIOUS TO HAZEL HESP, HOWEVER, THAT SAID WAS THE LEADER. SHE FAILED, HOWEVER, TO RECALL A SPECIFIC SITUATION IN WHICH SAID'S LEADERSHIP COULD BE DESCRIBED CONCRETELY TO PROVE HER IMPRESSION. ACCORDING TO JUDY COX, HAMADEI WAS IN CHARGE OF THE MISSION AND GAVE THE ORDERS; HAMADEI SEEMED TO BE MORE MATURE. COX COULD NOT RECALL A SPECIFIC SITUATION TO PROVE HER IMPRESSION, EITHER. SHE SAID THAT SAID WAS IN THE CABIN MORE, WHILE HAMADEI WAS MORE OFTEN IN THE

COCKPIT. THE FACT THAT SAID WAS MORE "UNAPPROACHABLE" MADE BETTY HOWES CONCLUDE THAT HE WAS THE LEADER OF THE OPERATION.

11. RE VIOLENCE: ALL THREE FLIGHT ATTENDANTS AGREED THAT THEY WERE MORE AFRAID OF "SAID", WHOM THEY DESCRIBED AS "NERVOUS", "MORE EXCITABLE" (COX), "MORE NERVOUS AND UNPREDICTABLE" (HOWES), AND "MORE VICIOUS THAN HAMADEI" (HESP). HESP RECALLED THAT BOTH HIJACKERS WERE VIOLENT AND TERRIFYING, AND THAT HAMADEI ENJOYED PUSHING STETHEM VIOLENTLY ALTHOUGH STETHEM WAS ALREADY BADLY INJURED AT THE TIME. HOWES SAID THAT HAMADEI SEEMED MORE RELAXED AND IN CONTROL.

12. RE MURDER: INGALLS CONFIRMED SUGGS' MEMORY OF TWO SHOTS SHORTLY FOLLOWING EACH OTHER, WITH THE SECOND POSSIBLY COMING FROM SOME EXPLSIVE DEVICE. ACCORDING TO INGALLS, THE PLANE WAS STILL TAXIING AT THAT TIME. HESP SAID THAT IT WAS HER OPINION THAT SAID SHOT ROBERT STETHEM. SHE THEN ACKNOWLEDGED, HOWEVER, THAT THAT WAS MERELY HER INTUITIVE OPINION, WHICH WAS NEITHER BASED ON SEEING THE ACTUAL KILLING NOR ON ANY KIND OF CIRCUMSTANCIAL EVIDENCE WHATSOEVER: "I HAVE NOTHING BUT MY OPINION TO PROVE THIS ASSUMPTION."

13. RE WEAPONS: INGALLS SAID THAT THE HIJACKERS SWITCHED WEAPONS THROUGHOUT THE HIJACKING. IN FLIGHT FROM ALGIERS I TO BEIRUT II, INGALLS SAW HAMADEI CARRY THE 9 MM CHROME-PLATED GUN WITH A MOTHER-OF-PEARL HANDLE. THIS WAS CONFIRMED BY JUDY COX. REGARDING THE WAY THAT THE WEAPONS GOT ON BOARD THE PLANE, HOWES RECALLED THAT SHE HEARD THE SOUND OF BREAKING GLASS, BUT NEVER FOUND ANY SPLINTERS IN THE LAVATORY WHERE THE SOUND COULD HAVE COME FROM. SHE SAID THAT WHEN THE "OCCUPIED" SIGN OF THE LAVATORY WAS OFF, SAID WAS SITTING IN THE MIDDLE SEAT OF THE LAST ROW WITH A

UNCLAS SECTION 04 OF 05 BONN 33573  
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TAGS: CJAN, PTER, GE

SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS BRIEFCASE ON HIS LAP, WHILE HAMADEI SAT IN THE WINDOW SEAT.

14. RE PERSONAL CONSEQUENCE OF THE HIJACKING: BETTY HOWES SAID THAT EVER SINCE THE HIJACKING SHE HAS SUFFERED FROM AN EMOTIONAL TRAUMA THAT CONTINUES TO TROUBLE HER RELATIONSHIP WITH HER HUSBAND. OBVIOUSLY IN AN ATTEMPT TO OVERCOME THE AMERICAN WITHN SSES' RELUCTANCE TO TALK ABOUT LONG-TERM PSYCHOLOGICAL EFFECTS OF THE HIJACKING, THE JUDGE CAUTIOUSLY ASKED FOR MORE CONCRETE INFORMATION, AND BETTY HOWES ANSWERED: "AFTER MARRIAGE AND HAVING CHILDREN AND HAVING GONE THROUGH SO MUCH ALREADY, IT IS THE WORST THING THAT COULD HAVE POSSIBLY HAPPENED TO ME. THERE IS SOMETHING YOU JUST CAN'T SHARE. YOUR MATE JUST DOESN'T UNDERSTAND."

GARY NOESNER

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15. RE DOCUMENT ON HAMADEI FAMILY: GARY NOESNER WAS FIRST ASKED ABOUT THE ORIGIN OF THE DOCUMENT ANNOUNCED BY THE NEBENKLAGER AND SAID THAT THE FRG PROSECUTORS HAD ASKED WHETHER THE FBI THROUGH U.S. GOVERNMENT RESOURCES COULD GET SUCH A DOCUMENT. THIS DOCUMENT WAS NOW PROVIDED BY A U.S GOVERNMENT AGENCY NOESNER COULD NOT IDENTIFY BECAUSE AN INDIVIDUAL'S LIFE COULD BE JEOPARDIZED. HE SAID THAT HE WAS AUTHORIZED, HOWEVER,

TO RELATE THAT IT HAD BEEN OBTAINED DIRECTLY FROM THE LEBANESE DEPARTMENT OF THE INTERIOR. ASKED FURTHER SPECIFICS ABOUT THE AUTHORITY IN LEBANON THAT OBTAINED THE DOCUMENT, NOESNER INDICATED THAT IT WAS A U.S. GOVERNMENT AUTHORITY AND SAID THAT FURTHER INFORMATION WAS CLASSIFIED IN ORDER TO PROTECT HUMAN LIVES. NOESNER COULD NOT RECALL SPECIFICALLY IF THE REQUEST FOR SUCH A DOCUMENT WAS MADE PRIOR TO THE TRIAL. THE AGENCY IN QUESTION, ACCORDING TO NOESNER, RECEIVED THE DOCUMENT THE SAME DAY IT WAS ISSUED. DEFENSE ATTORNEY STECK REMARKED: "WE THINK THIS IS A FORGED DOCUMENT." THEN THE ARABIC LANGUAGE INTERPRETER STARTED TRANSLATING THE DOCUMENT. THE PERSON REQUESTING INFORMATION OF THE LEBANESE OFFICE OF STATISTICS APPEARS TO BE "ALI HASSAN HAMADEI".

16. THE SUBSTITUTE JUDGE THEN EXPRESSED DOUBTS THAT THE EXISTENCE OF THIS DOCUMENT WOULD JEOPARDIZE ANYONE MENTIONED THEREIN. NOESNER RESPONDED: "I DON'T BELIEVE I TOLD YOU ANYBODY MENTIONED HEREIN WAS JEOPARDIZED. BUT LEBANON HAS NO EFFECTIVE GOVERNMENT, AND EVERYONE CONDUCTING RESEARCH ON MOHAMMAD ALI HAMADEI IS IN DANGER OF HIS LIFE. I AM NOT FORCING THIS DOCUMENT ON THE COURT; I'M ONLY PRESENTING IT TO YOU UPON REQUEST FROM FRG AUTHORITIES TO OBTAIN MORE INFORMATION ON HAMADEI'S BIRTHDATE." UPON QUESTIONING BY THE DEFENSE, NOESNER SAID THE DOCUMENT HAD COME FROM LEBANON IN ITS ENTIRETY (INCLUDING THE ENGLISH LANGUAGE TRANSLATION) AND WAS SUBMITTED TO NOESNER BY FBI AGENT TOM HANSEN.

17. RE GRAND JURY TESTIMONY: NOESNER SAID THAT HE WAS NOT AUTHORIZED TO GIVE AWAY THE IDENTITY OF WITNESSES WHO TESTIFIED BEFORE THE GRAND JURY, BUT SAID THERE HAD BEEN FOUR WITNESSES, ONLY TWO OF WHICH HAD BEEN TWA 847 PASSENGERS. NOESNER THEN SAID THAT THE GRAND JURY COULD BE CONTACTED THE SAME WAY AS ANY OTHER REQUEST FOR LEGAL ASSISTANCE IS PRESENTED TO U.S. AUTHORITIES. HE THEN, HOWEVER, ADDED THAT GRAND JURY MATERIAL IS SECRET AND THAT ANY COURT WOULD HAVE TO PRESENT VERY GOOD REASON TO OBTAIN IT.

18. RE OTHER MATERIAL NOT AVAILABLE: GARY NOESNER ONCE AGAIN ELABORATED THAT THE SUBPOENAED MATERIAL CAME UNCLAS SECTION 05 OF 05 BONN 33573

DEPT PLEASE PASS TO NSCS FOR T. MCNAMARA  
DOJ FOR CRIM; FBI FOR IT-MEU  
E. O. 12356: N/A

TAGS: CJAN, PTER, GE

SUBJECT: HAMADEI PROSECUTION: SEPTEMBER 26-28 SESSIONS EXCLUSIVELY FROM NEWS AGENCIES. RECORDINGS OF RADIO COMMUNICATION FROM AIR TRAFFIC CONTROLLERS IN CYPRUS AND SARDINIA HAD BEEN REQUESTED FROM THESE AUTHORITIES AND IN ONE CASE OBTAINED, BUT THIS HAD NOT PROVIDED USEFUL INFORMATION. NOESNER THEN SAID THAT THE FBI PREPARED LISTS OF ALL EXISTING EVIDENCE FOR THE FRG PROSECUTORS, BUT NOT A LIST SPECIFYING SUBPOENAED MATERIAL.

19. NOESNER SAID THAT THE FBI HAD INTERVIEWED A WITNESS FROM BEIRUT WHO WAS ON DUTY INTERMITTENTLY DURING THE HIJACKING AND WHO HAD ASKED PROTECTION. NOESNER PROPOSED TO CONTACT THE WITNESS AGAIN AND FIND OUT WHETHER HE WOULD BE WILLING TO TESTIFY IN COURT. IN CASE HE WAS NOT, NOESNER SAID HE WOULD BE GLAD TO PROVIDE THE INTERVIEW MATERIAL WITHOUT THE PORTIONS THAT WOULD DISCLOSE HIS IDENTITY. ALL PARTIES IN THE TRIAL AGREED TO PURSUE THE TESTIMONY IN THIS MANNER.

20. ASKED WHETHER CLASSIFIED MATERIAL FROM INTELLIGENCE

SOURCES COULD POSSIBLY BE MADE AVAILABLE TO THE GRAND JURY OR TO COURTS, NOESNER SAID THAT UNDER VERY STRICT REGULATIONS IT COULD BE: "CLASSIFIED MATERIAL IS NOT COMPLETELY EXCLUDED FROM COURT." ASKED WHETHER THE U.S. NAVY IN THE MEDITERRANEAN RECORDED THE RADIO COMMUNICATION OF THE HIJACKED AIRCRAFT, NOESNER SAID HE DID NOT KNOW. ASKED FURTHER, HE SAID THAT IF THE PROSECUTION WANTED TO UTILIZE SUCH MATERIAL IT COULD THEORETICALLY DO SO UNDER VERY STRICT REGULATIONS. NOESNER ADDED: "IF THE PROSECUTOR IS NOT COMPELLED TO DO SO, HE WOULDN'T UTILIZE SUCH MATERIAL." ASKED WHETHER FBI OBTAINED MATERIAL FROM MOSSAD, NOESNER SAID THAT IT IS STANDARD PROCEDURE FOR HIM NEVER TO COMMENT ON MATERIAL FROM FOREIGN GOVERNMENT AGENCIES. THE PRESIDING JUDGE ASKED THE FBI TO CONTINUE ATTEMPTS TO FIND OUT ABOUT THE ORIGIN OF THE TAPE RECORDING ALREADY HEARD IN COURT TWICE. ASKED TO IDENTIFY THE FOURTH INDIVIDUAL INDICTED BY THE GRAND JURY IN THE U.S., NOESNER SAID THAT THE IDENTITY OF THE FOURTH PERSON WAS SEALED.

21. COMMENT: THE DEFENSE CONTINUES EFFORTS TO SHAKE THE CREDIBILITY OF ALL WITNESSES BY ASKING MINUTE DETAILS OF THE TIME SEQUENCE, OF THE HIJACKERS' CLOTHES, AND THE AIRCRAFT'S MOVEMENT ON THE GROUND IN BEIRUT II. MOST OF THE DEFENSE QUESTIONS, HOWEVER, SEEM TO AIM AT ACCUSING THE U.S. INVESTIGATORS AND PROSECUTORS OF EVERY CONCEIVABLE IMPROPRIETY: WITHOLDING OF INTERVIEWS, GIVING THE FRG AUTHORITES INCOMPLETE EVIDENCE FILES, PRESELECTING THE WITNESSES FOR THE TRIAL, ESTABLISHING THE SEQUENCE OF TESTIMONY, FAILING TO TRACE NEGOTIATORS IN ALGIERS AND BEIRUT, FAILING TO HEAR NON-U.S. PASSENGERS ABOARD FLIGHT TWA 847. IN A HEATED DISCUSSION THE PROSECUTORS AT ONE POINT CALLED THE DEFENSE QUESTIONS "IMBECILE" AND DEFENSE ATTORNEY STECK IMMEDIATELY ASKED TO HAVE THIS RECORDED IN THE PROTOCOL. THE PRESIDING JUDGE THREATENED TO SHUT DOWN ALL THE COURT MICROPHONES IF THE ARGUMENTS CONTINUED. THE COURT ADJOURNED AND IS PLANNING TO HEAR GARY NOESNER AGAIN NEXT WEEK IF SCHEDULING PERMITS. END COMMENT.

22. BEIRUT MINIMIZE CONSIDERED.  
BURT

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