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WITHDRAWAL SHEET

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Collection Name	COUNTERTERRORISM AND NARCOTICS, NSC: RECORDS	***Withdrawer***	SMF 5/12/2010
File Folder	TERRORISM: INDIVIDUALS: RASHID, MOHAMMAD JUNE 1988 RICHARD PORTER, NSC STAFF (2)	***FOIA***	F97-082/4
Box Number	~~92270~~ RAL Box 8		WILLS 2

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
91044	INDICTMENT	GRAND JURY INDICTMENT (DUPLICATE OF 91041)	13	7/14/1987	B3

The above documents were not referred for declassification review at time of processing

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]
B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

No. 159

The Embassy of the United States of America presents its complements to the Ministry of Foreign Affairs of the Hellenic Republic and has the honor to inform the Ministry that, upon petition of the Department of State and in accordance with the Extradition Treaty between the Government of Greece and the United States of America (Law 5554/1932), the extradition of MOHAMMED RASHID is requested.

Mr. Rashid was detained by Greek authorities on May 30, 1988 in response to our Embassy's Diplomatic Note No. 155 dated May 30, 1988. It is requested that the Government of Greece continue to detain Mr. Rashid and prohibit his departure from Greece until the court rules on the current petition asking for Mr. Rashid's extradition.

In support of the extradition petition, the following duly certified documents are attached:

1. Affidavit of United States Department of Justice Prosecutor Karen A. Morrissette
2. Indictment of Mohammed Rashid
3. Arrest Warrant for Mohammed Rashid
4. Affidavit of Federal Bureau of Investigation Special Agent Donald W. Lyon
5. Visa Application: Mohamed Harouk

6. Visa Application: Fatima Bin Al-Hadi
7. Pan Am ticket: Mohamed Harouk
8. Pan Am ticket: Fatima Bin Al-Hadi
9. Tokyo Hotel Registration Card: Fatima Bin Al-Hadi
10. Pan Am Seating Assignment for Flight 830
11. 18 United States Code (U.S.C.) 2: Conspiracy to Commit Murder.
12. 18 U.S.C. 7: Murder within the Special Maritime Jurisdiction of the United States
13. 18 U.S.C. 31: Definitions of Terms
14. 18 U.S.C. 32: Destruction of Aircraft or Aircraft Facilities
15. 18 U.S.C. 113(a): Assault within Maritime Jurisdiction
16. 18 U.S.C. 371: Conspiracy
17. 18 U.S.C. 844(i): Penalties
18. 18 U.S.C. 1111: Murder
19. 18 U.S.C. 1117: Conspiracy to Murder
20. 18 U.S.C. 3281: Capital Offenses
21. 18 U.S.C. 3282: Offenses Not Capital

22. 49 U.S.C. App. 1301: Definitions of Terms

23. 49 U.S.C. App. 1472(1)(2): Carrying Weapons, Loaded Firearms, and Explosives or Incendiary Devices Aboard Aircraft

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Hellenic Republic the assurances of its highest consideration.

Embassy of the United States of America,

Athens, June 3, 1988.

RP
CONS

No. 88/7158

United States of America

DEPARTMENT OF STATE

all to whom these presents shall come, Greeting:

I Certify *That the document hereunto annexed is under the seal of the ment of Justice of the United States of America, and that such seal itled to full faith and credit.*

In testimony whereof, *I,* John C. Whitehead, Acting *Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the* Acting *Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this* first *day of* June *, 19* 88.

John C. Whitehead
Acting *Secretary of State.*

By Joan C. Hampton
Acting *Authentication Officer, Department of State.*

to RS 161, Sec. 1 of A 28 USC 1733 63 St. 111, 332 of Act of 53, 8 USC 1

Th cate is not valid if it is removed or altered.

United States
Department of Justice

Washington, D.C., June 1, 1988

To [illegible] whom these presents shall come, Greeting:

[illegible] That Charles R. Richey whose name is signed to th[illegible]mpanying paper, is now, and was at the time of signing the same, Judg[illegible]ed States District Court for the District of Columbia

[illegible] duly commissioned and qualified.

Attorney General of the United States, have hereunto caused the Seal of the Department of Justice to be affixed and my name to be attested by the Deputy Assistant Attorney General for Administration, of the said Department on the day and year first above written.

Edwin Meese III
Attorney General

By Anthony C. Yuscavo
Deputy Assistant Attorney General for Administration

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE EXTRADITION OF MOHAMMED RASHED AKA RASHID MOHAMMED	)	Cr. Case No. 87-0308

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONS

United States of America, v. MOHAMMED RASHED, also known as RASHID MOHAMMED	Cr. No. 87-0308 Affidavit in Support of Request for Extradition

I, KAREN A. MORRISSETTE, being duly sworn, depose and state:

1. I am a citizen of the United States.

2. I am 34 years old. In June 1977, I received a Doctor of Law degree from the State University of New York, and I was admitted to the bar of the State of New York in 1978. From June 1978 to the present, I have been employed by the Criminal Division of the United States Department of Justice as a prosecuting trial attorney. The responsibilities of my present position include the prosecution of individuals charged with criminal violations of the laws of the United States.

3. During my employment with the United States Department of Justice, I have become knowledgeable about criminal statutes and case law of the United States, particularly those pertaining to aircraft sabotage and other crimes committed on board aircraft. From September 1984 to the present, I have been one of the prosecuting attorneys assigned to the investigation and prosecution of the bombing of Pan American World Airways Flight 830 (hereinafter referred to as Pan Am 830), and the murder of passenger Toru Ozawa.

4. In Indictment No. 87-0308 filed on July 14, 1987, a grand jury acting under the authority of the United States District Court for the District of Columbia formally accused Mohammed Rashed and two other individuals of nine separate violations of the criminal laws of the United States. On July 14, 1987, the United States District Court for the District of Columbia ordered that the indictment be sealed, that is, that it not be publicly disclosed. On June 1, 1988, Judge Richey ordered that the United States could provide the indictment to the Greek government, except with respect to the identities of the two other individuals charged. The names of the two other defendants have remained sealed so that premature disclosure of their identities does not jeopardize efforts to locate and arrest them. Neither the identities of the two other defendants nor the evidence against them is relevant to the sufficiency of the case against Mohammed Rashed. A duly certified copy of the indictment, with the names of the two other defendants deleted in accordance with the order of Judge Richey, is attached as Exhibit A.

5. Based on the indictment, on July 14, 1987, United States Magistrate Patrick Attridge issued a warrant for the arrest of Mohammed Rashed on all the charges set out in the indictment. A duly certified copy of this arrest warrant is attached as Exhibit B.

6. All of the offenses charged in the nine count indictment are felonies under United States law.

7. Attached as Exhibit C is the duly sworn affidavit of Supervisory Special Agent Donald Lyon of the Federal Bureau of Investigation. In this affidavit, Supervisory Agent Lyon sets forth the evidence pertaining to the commission by Mohammed Rashed of all nine offenses charged in the indictment. Supervisory Agent Lyon is familiar with the evidence against Rashed. I have reviewed the affidavit of Supervisory Agent Lyon and certify that it accurately states the evidence against Rashed and that this evidence (which is only part of the total amount of evidence compiled in the investigation) is sufficient for Rashed to be brought to trial in the United States for the offenses with which he is charged.

8. Briefly, the evidence in this case shows the following. Mohammed Rashed, travelling with his purported wife and child under the alias of the Mohammed "Harouk" family, travelled to Tokyo, Japan, on a Pan American World Airways aircraft denominated as N 754. While en route to Tokyo, the Harouk family occupied seats H, J and K and planted a bomb between the seat cushion and webbing of seat 47K. They deplaned in Tokyo. Aircraft N 754 then continued as Pan Am Flight 830 from Tokyo to Honolulu, Hawaii. As the aircraft neared Honolulu, the bomb exploded, killing one Japanese national (a 14-year-old boy) and injuring other passengers.

9. Attached as Exhibits D-1 through D-13, are true and accurate copies of all the provisions of United States law applicable to this case. ~~I certify that each of these statutes~~ I CERTIFY THAT EACH OF THESE STATUTES

was the duly enacted law of the United States at the time of the commission of the offenses charged and at the time that the indictment was filed, and is now in full force and effect.

10. In the indictment, Rashed is charged in Counts 3 through 9 with seven crimes in violation of United States law. In Counts 1 and 2, he is charged with conspiracy to commit those seven crimes. The specific charges against Rashed are as follows:

(a) Count 1 of the indictment charges Rashed with conspiracy to commit murder in violation of 18 U.S.C. 1117 (see Exhibit D-9). A conspiracy is committed when two or more persons agree to commit one or more crimes against the laws of the United States and take one or more affirmative acts in furtherance of the criminal objectives of the conspiracy. In this case, Rashed is charged with, from on or about July 1, 1982, until on or about August 14, 1982, conspiracy with his co-defendants and others, not yet identified, to unlawfully commit murder with premeditation and malice aforethought on the Pan Am 830 aircraft.

Under U.S. law, if any of the members of a conspiracy commit a criminal offense during and in furtherance of the conspiracy, all the members of that conspiracy are liable for that criminal act. In this case, however, the evidence shows that in addition to conspiracy to commit the crimes charged, Rashed either himself committed, or participated or aided and abetted in the commission of, those crimes.

This conspiracy charge also describes the means used by Rashed and his co-conspirators to achieve their criminal objectives. For example, they travelled on fraudulent documents, they concealed bombs in luggage, they placed a bomb under the seat cushion of a seat of an American aircraft and they set a timer for a delayed explosion on a later flight of the aircraft, thereby killing a passenger sitting in that seat. The maximum sentence for this offense is life imprisonment.

(b) Count 2 of the indictment charges Rashed with conspiracy to commit crimes against the United States in violation of 18 U.S.C. 371 (see Exhibit D-6). A conspiracy is committed when two or more persons agree to commit one or more crimes against the laws of the United States and take one or more affirmative acts in furtherance of the criminal objectives of the conspiracy. In this case, Rashed is charged with, from on or about January 17, 1980 until on or about September 15, 1982, conspiracy with his co-defendants and others, not yet identified, to commit the following criminal acts: assault with intent to commit murder; malicious damage, attempt to damage and causing damage to an aircraft used in foreign commerce with the United States by means of explosives; knowing, willful and unlawful damage and causing the damage of a civil aircraft used in foreign air commerce resulting in death; and knowing, willful and unlawful placement of and causing to be placed a bomb on a civil aircraft used and operated in foreign air commerce with the intent to damage, destroy, disable or wreck the aircraft.

Under U.S. law, if any of the members of a conspiracy commit a criminal offense during and in furtherance of the conspiracy, all members of that conspiracy are liable for that criminal act. In this case, however, the evidence shows that in addition to conspiracy to commit the crimes charged, Rashed either himself committed, or participated or aided and abetted in the commission of, these crimes.

This conspiracy charge also describes the means used by Rashed and his co-conspirators to achieve their criminal objectives. The means used were the same as those used in the CONSPIRACY TO COMMIT MURDER STATED IN COUNT 1 OF conspiracy to commit murder stated in Count 1 of the indictment and described earlier on page 4 of this affidavit. The maximum sentence for this offense is 5-years' imprisonment.

(c) Count 3 of the indictment charges that on or about August 11, 1982, Rashed and others, with premeditation and malice aforethought and by means of explosives, unlawfully murdered and CAUSED THE MURDER OF THE caused the murder of the passenger Toru Ozawa, in violation of 18 U.S.C. 1111, 7 and 2. 18 U.S.C. 1111 (Exhibit D-8) DEFINES defines murder as the unlawful killing of a human being with malice aforethought and provides that every willful, deliberate, malicious and premeditated killing is murder in the first degree. Murder in the first degree committed within the special maritime and territorial jurisdiction of the United States is a crime against the United States pursuant to this statute. As a result of decisions of the United States Supreme Court, the death penalty stated under 18 U.S.C. 1111 for murder in the FIRST first

degree cannot be constitutionally imposed. Therefore, the maximum sentence for this crime is life imprisonment.

Pan Am 830 was an aircraft belonging to a corporation created under the laws of New York State. The special maritime and territorial jurisdiction of the United States is defined in 18 U.S.C. 7 (Exhibit D-2), and extends to any aircraft belonging in whole or in part to the United States, any citizen of the United States or any corporation created by or under the laws of the United States or any state, territory, district, or possession of the United States while the aircraft is over the high seas and out of the jurisdiction of any particular state. Since the aircraft which was flying as Pan Am flight 830 was owned by Bankers Trust Company, a corporation created under the laws of The State of New York, Pan Am 830 was within the special maritime and territorial jurisdiction of the United States on or about August 11, 1982, when Toru Ozawa was murdered by the explosion of a bomb on Pan Am 830 while the aircraft was in flight over the high seas and out of the jurisdiction of any particular state.

Also cited in Count 3 (and other Counts of the indictment), is 18 U.S.C. 2 (Exhibit D-1), which provides that any person who aids, abets, or causes the commission of an offense, shall be criminally responsible for the offense itself.

(d) Count 4 of the indictment charges that on or about August 11, 1982, at a place outside the United States, Rashed and others knowingly, willfully and unlawfully damaged and caused

damage to a civil aircraft used and operated in foreign air commerce, which damage resulted in the death of Toru Ozawa, in violation of 18 U.S.C. 32 (Exhibit D-4) and 2. For purposes of Section 32, foreign air commerce is defined (pursuant to 18 U.S.C. 31, Exhibit D-3) in 49 U.S.C. App. 1301 (Exhibit D-12) as the carriage by aircraft of persons or property in commerce between a place in the United States and any place outside thereof. The maximum sentence for this offense is 20-years' imprisonment.

(e) Count 5 of the indictment charges Rashed and others with maliciously damaging and causing damage to an aircraft used in foreign commerce, by means of a high explosive, detonator and firing system, which resulted in the death of Toru Ozawa, in violation of 18 U.S.C. 844(i) (Exhibit D-7) and 2. Since the indictment charges that a death (the murder of Toru Ozawa) resulted from the explosive damage to the aircraft, the maximum sentence under the statute is life imprisonment or capital punishment. Pursuant to decisions of the United States Supreme Court, however, the death penalty under 18 U.S.C. 844(i) cannot be constitutionally imposed. Therefore, the maximum sentence is life imprisonment.

(f) Count 6 of the indictment charges Rashed and others with placing a bomb and having a bomb placed on board an aircraft in and intended for foreign air transportation with reckless disregard for the safety of human life, which bomb exploded

aboard the aircraft in flight from Narita, Japan, to Honolulu, Hawaii, in violation of 49 U.S.C. Appendix 1472(1)(2) (Exhibit D-13). Air transportation is defined at 49 U.S.C. Appendix 1301 (Exhibit D-12). The maximum sentence for this offense is 5-years' imprisonment.

(g) Count 7 of the indictment charges that on or about August 11, 1982, outside the United States, Rashed and others assaulted and caused to be assaulted, with intent to commit murder, passengers and crew on board Pan Am 830, an aircraft within the special maritime and territorial jurisdiction of the United States, while that aircraft was in flight on the high seas and out of the jurisdiction of any state, in violation of 18 U.S.C. 113(a) (Exhibit D-5), 7 and 2. The assaults on passengers and crew are violations of U.S. law because they were committed on an aircraft within the special maritime and territorial jurisdiction of the United States. The assault charged is punishable by a maximum sentence of 20-years' imprisonment.

(h) Count 8 of the indictment charges that on or about August 25, 1982, at places outside the United States, Rashed and others placed and had a bomb placed on board an aircraft in and intended for foreign air transportation with reckless disregard for the safety of human life, which bomb was subsequently discovered aboard the aircraft in Rio de Janiero, Brazil, in violation of 49 U.S.C. Appendix 1472(1)(2). The maximum penalty for this offense is 5-years' imprisonment.

(i) Count 9 of the indictment charges that on or before August 25, 1982, Rashed and others knowingly, willfully and unlawfully placed and caused to be placed a bomb in and on a civil aircraft used and operated in foreign air commerce, with the intent to damage, destroy, disable or wreck the aircraft, which bomb was subsequently discovered on board the aircraft in Rio de Janiero, Brazil, in violation of 18 U.S.C 32 and 2. The maximum sentence for this offense is 20-years' imprisonment.

11. The United States requests this extradition pursuant to the Extradition Treaty between the United States and Greece, signed May 6, 1931, as further interpreted by the Protocol signed September 2, 1937. Murder, assault, placing a destructive device aboard an aircraft and destruction of property are offenses listed in Article I of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of September 23, 1971. These offenses and conspiracy are incorporated in the 1931 Treaty by the terms of Article 8 of the Montreal Convention. Both the United States and Greece are parties to the Convention and were parties at the time the offenses occurred.

12. The statute of limitations on prosecuting the offenses which are punishable by a maximum penalty of death is 18 U.S.C. 3281 (Exhibit D-10). This statute provides that an indictment for a capital offense may be returned at any time. The statute

of limitations on prosecuting any other offenses is 18 U.S.C. 3282 (Exhibit D-11). That statute provides that an indictment must be returned in a non-capital case within five years after commission of the offense. The indictment in this case was returned before five years had elapsed following commission of the offenses. Therefore, there is no bar to prosecution of any of the offenses charged in the indictment.

Karen A. Morrissette
KAREN A. MORRISSETTE
Criminal Division
U.S. Department of Justice

Sworn before me this 1st day of June, 1988,
in Washington, D.C.

Charles R. Richey
Charles R. Richey
United States District Judge

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America
This public document

2. has been signed by CHARLES R. RICHEY

3. acting in the capacity of District Court Judge

4. bears the seal/stamp of U.S. District Court for the District of Columbia

CERTIFIED

5. at Washington, D.C. 6. the June 1, 1988

7. by Joseph E. Burgess, Deputy Clerk

8. No. 104

9. Seal/Stamp

10. Signature: Joseph E. Burgess

AO 393
(5/81)

(CONS)

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Clerk, United States District Court

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TERRORISM: INDIVIDUALS: RASHID, MOHAMMAD JUNE 1988 RICHARD PORTER, NSC STAFF (2)

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WILLS

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C. Closed in accordance with restrictions contained in donor's deed of gift.

CR 12 (Rev. 9/82)

WARRANT FOR ARREST

United States District Court	DISTRICT: District of Columbia
UNITED STATES OF AMERICA v. MOHAMMED RASHED a/k/a RASHID MOHAMMED	DOCKET NO. 87-C309 / MAGISTRATE CASE NO.
WARRANT ISSUED ON THE BASIS OF: ☐ Order of Court ☒ Indictment ☐ Information ☐ Complaint	NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED
TO: Director, FBI, or any authorized law enforcement officer	DISTRICT OF ARREST / CITY

YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available magistrate to answer to the charge(s) listed below.

DESCRIPTION OF CHARGES

Violations: 18 U.S.C. 371 (Conspiracy); 18 U.S.C. 32 (Aircraft Sabotage and Attempted Aircraft Sabotage); 18 U.S.C. 844; (Damaging Aircraft used in Foreign Commerce); 18 U.S.C. 113(a) (Assault); 18 U.S.C. 1111 (Murder); 18 U.S.C. 2 (Aiding and Abetting); 49 U.S.C. App. 1472(1)(2) (Placing Bombs on Aircraft); 18 U.S.C. 1117 (Conspiracy to Murder)

IN VIOLATION OF	UNITED STATES CODE TITLE: See above	SECTION: See above
BAIL FIXED BY COURT	OTHER CONDITIONS OF RELEASE	
ORDERED BY	SIGNATURE (JUDGE[1]/MAGISTRATE)	DATE: July 14, 1987
CLERK OF COURT	(BY) DEPUTY CLERK	DATE ISSUED

RETURN

This warrant was received and executed with the arrest of the above-named person.

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED		

[1] United States Judge or Judge of a State Court of Record

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America v. Mohammed Rashed aka Rashid Mohammed	Cr. No. 87-0308 Affidavit in Support of Request for Extradition

I, Donald W. Lyon, being duly sworn, depose and state:

1. I am a citizen of the United States.

2. I have been a Special Agent of the Federal Bureau of Investigation (FBI) for 18 years. I am presently assigned to FBI Headquarters in Washington, D.C. Since March 14, 1988, I have had supervisory responsibility for the investigation of the August 11, 1982 bombing of Pan American World Airways Flight 830 (hereinafter referred to as Pan Am 830). In that capacity, I have received and reviewed reports of the results of the FBI's investigation of the bombing. In addition, I have spoken personally with FBI agents who conducted the investigation regarding the evidence obtained in the course of the investigation. I am, therefore, familiar with the evidence in this case and, in particular, the evidence against the defendant identified in the course of the investigation as Mohammed Rashed.

3. In sum, the evidence establishes that Mohammed Rashed, while traveling on a Pan Am aircraft, planted a bomb under his

Exhibit C

assigned seat on that aircraft. The bomb exploded during a subsequent leg of that aircraft's flight, thus killing a 14-year-old boy (who was sitting in that seat) and injuring other passengers.

4. On July 15, 1982, at the Japanese Embassy in Baghdad, Iraq, Mohammed Rashed (and a woman, Christine Pinter), filed applications for visas for a man, woman and child to enter Japan as tourists. The applications are in the names of Mohamed Harouk (the man), Bin Al-Hadi Fatima (the woman), and the child, Bin Al-Hadi Zuhair. These applications are attached as Exhibits C-1 and C-2. The visa applications bear photographs of the applicants. The photograph of applicant "Mohamed Harouk" is a photograph of Mohammed Rashed. Other information which the applicants provided on the applications includes an intention to travel on Iraqi Airways from Baghdad; a claim of Moroccan citizenship and an intent to travel on Moroccan passport numbers 378505 and 398383; a business telephone number of 55 12 578; and a child, date of birth of April 21, 1980.

5. Morocco officials advised a Special Agent of the FBI that, in fact, no Moroccan passports have been issued in the names of Mohamed Harouk, Fatima Bin-Al, or Zuhair Bin-Al Hadi.

6. The visas for entry to Japan as tourists were issued and Mohammed Rashed and his purported wife and child, traveling as the "Harouk" family, began their 14-day journey on July 27,

1982. The FBI's investigation has included an analysis of immigration records from Thailand, Hong Kong, and Japan, of Pan Am Airlines tickets; and of a Tokyo hotel record. Those records indicate the following:

(a) A "Mohamed Harouk" entered the Kingdom of Thailand on July 27, 1982, aboard Iraqi Airways Flight 433 and departed Thailand on July 31, 1982, aboard Singapore Airlines Flight 23. The Official Airlines Guide indicates that Iraqi Air Flight 433 departs Baghdad, Iraq, goes via Dubai, and flies to Bangkok, Thailand.

(b) On August 4, 1982, in Singapore, Pan Am Airlines tickets were issued as follows: Pan Am ticket 0264406510413 was issued in the name of "Mr. Mohd. Harouk;" Pan Am ticket 0264406510414 was issued in the name of "Mrs. Fatima Binal Hadi;" Pan Am ticket 0264406510415 was issued in the name of "Zuher Bin Al Hadi." These tickets indicated travel from: (leg 1 on Pan Am) Singapore to Hong Kong on Pan Am Flight 006 on August 7; (leg 2 on Pan Am) Hong Kong to Tokyo on Pan Am Flight 002 on August 11; (leg 3 on Pan Am) (return) Tokyo to Hong Kong on Pan Am Flight 001 on August 13; and (leg 4 on Pan Am) Hong Kong to Singapore on Pan Am Flight 005, also on August 13. (This represents a stay in Japan of approximately one (1) day and twenty-two-and-one-half (22 1/2) hours on a tourist visa.

(c) On August 7, 1982, the Harouk family traveled from Singapore to Hong Kong.

(d) On August 11, 1982, the Harouk family traveled from Hong Kong to Tokyo, Japan. (The Pan Am tickets are attached as Exhibits C-3 and C-4.)

7. A review of the Japanese entry and exit records in the names of Mohamed Harouk, Fatima Bin Al-Hadi, and Zuhair Bin Al-Hadi revealed that three individuals identified as Harouk, Bin Al-Hadi, and her son, Zuhair, with the same passport numbers and other identification information as is listed on the "Harouks'" visa application, entered Japan on August 11, 1982, aboard Pan Am Flight 002 and departed Japan on August 13, 1982, aboard Pan Am Flight 001.

8. A review of records of a hotel in Tokyo, Japan, determined that "Harouk - Bin Al-Hadi Fatima" registered as "Mr. and Mrs." with son at the hotel on August 11. A check out date was listed as August 13. The registrants also listed the same Moroccan passport number, home address, business name and telephone as were listed on the Japanese visa applications. See Exhibit C-5. A Tokyo hotel employee advised the FBI that the Harouks, who were on tourist visas, did not ask for any tour information and did not go out in the evening.

9. On October 29, 1984, an individual advised a Special Agent of the FBI that he was in Tokyo during August 1982 and came into contact with foreign visitors as a result of his

employment and recalled the Harouk family, which consisted of a man, woman, and male child.

10. On October 31, 1984, another individual employed in Tokyo during August 1982 identified a copy of the Harouk visa application photograph from an array of photographs as being similar to the Mohamed Harouk, who was accompanied by his family, whom he saw between August 11 and 13, 1982, in Tokyo.

11. After a stay of approximately 48 hours (from August 11 to August 13, 1982), the Harouk family returned to Iraq via the same route they used to come to Japan.

12. The FBI Laboratory in Washington, D.C., conducted an analysis of the handwriting which appears on the Visa Application Form to Enter Japan in the name of Mohamed Harouk, Visa Application Form to Enter Japan in the name of Fatima Bin Al-Hadi, and the hotel registration card in the name of Harouk - Bin Al-Hadi Fatima. As a result of this examination, it was determined that the handprinting of these documents was printed by the same person.

13. During the Hong Kong to Tokyo leg of the "Harouk" family's trip, the Harouks occupied seats 47H, J, and K on the Pan Am aircraft identified as N 754. The Harouks deplaned in Tokyo and the aircraft continued to Honolulu as Pan Am Flight 830. The bomb which killed Toru Ozawa (a passenger on Pan Am 830) was planted under seat 47K, between the webbing and seat cushion.

14. Pan Am records and the statements of crew and passengers of Pan Am 830 indicate that on August 11, 1982, at approximately 9:05 a.m., Hawaiian Standard Time, a bomb exploded on Pan Am 830. At the time of the explosion, the plane was just beginning its descent. The explosion occurred on the right side of the aircraft containing seats H, J, and K. The male passenger (Toru Ozawa) who was seated in Seat 47K was mortally wounded by the explosion and was pronounced dead by a medical doctor at Honolulu. An autopsy revealed that Mr. Ozawa died as a result of extensive blast injuries caused by a bomb which had been implanted under his seat cushion.

15. The crime scene investigation conducted by the FBI revealed that the aircraft N 754 suffered substantial damage both inside and outside the aircraft. Interior damage included severe damage to seat 47K and the adjacent area including the interior cabin wall, cabin ceiling, and a large hole in the cabin floor exposing the lower cargo compartment. Exterior damage to the fuselage included a number of rivet heads popped out, paint chipped, and bulging out in the area of the explosion. FBI Laboratory analysis by an FBI explosives analyst expert of the evidence collected as a result of that crime scene investigation identified the remains of an improvised explosive device, hereafter referred to as a bomb, consisting of a high explosive main charge, a detonator, and a time delay electrical firing circuit. The firing circuit was

constructed with at least two "AAA" alkaline batteries, with a manufacturer's code date of "081" indicating the date of manufacture as August 1981, as the power source and an electro-chemical "E-cell" serving as the time delay element. Also located was a specimen of high explosive pentaerythritol tetranitrate (PETN). This crime scene investigation also determined that the bomb had been placed under the seat cushion of 47K. The explosives analyst expert above advised that he has been assigned to the Explosives Unit of the FBI Laboratory for approximately 10 years. His duties are to examine items submitted to the FBI Laboratory as a result of bombings or attempted bombings for the purpose of identifying bomb components and reconstructing bomb devices. He is certified as a Hazardous Devices and Explosives Specialist by the FBI Laboratory. He possesses a Master of Forensic Science degree from George Washington University and has attended a Hazardous Explosives Devices Course at Red Stone Arsenal in Huntsville, Alabama. He also attended a course of instruction at the Naval School, Explosive Ordnance Disposal, at Indian Head, Maryland, which trains bomb technicians for all branches of the military service. On numerous occasions, he has been qualified as an expert witness in the field of explosives in both federal and state courts.

16. FBI investigation has also revealed that on August 25, 1982, an explosive device was found between the seat cushion

and webbing of seat 29A, of a Pan Am jet (aircraft number N 748) in Rio de Janeiro. The device was recovered intact. The FBI's explosives expert, who examined this device and the remnants recovered from the bomb on Pan Am 830, has advised that both devices had an electrical time delay firing system employing an E-cell; were powered by 1.5-volt triple-A batteries; and utilized PETN as an explosive main charge. The expert has concluded that both devices had sufficient characteristics in common as to bear the "signature" of the bomb-maker and were constructed by the same person.

17. On August 28, 1982, Swiss authorities arrested a man utilizing a passport from the United Arab Emirates in the name of Jessem Kalfam who was in possession of a bomb concealed in a suitcase. The FBI explosives expert has examined that explosive device and compared it to the bomb found on the Pan Am aircraft in Rio de Janiero, and the remnants from the Pan Am 830 bomb. He has concluded that all three devices have the same characteristics and components and that all three bombs bear the "signature" of the same bomb-maker. In September 1982, while Mr. Kalfam was in custody in Switzerland, another individual using the name Abdalla Al-Hadi Ben and traveling came to see Mr. Kalfam and was also arrested by Swiss authorities. In Abdalla Al-Hadi's possession was a vinyl shoulder bag which was confiscated and examined. A piece of vinyl had been cut from the bottom of this bag. The missing

[illegible] of vinyl was found in Rio de Janiero; the vinyl had been [illegible]d by the bomb-maker to encase the bomb which was found between the webbing and cushion of a seat on the Pan Am jet in Rio de Janiero on August 25, 1982.

18. The FBI has interviewed a man who was a personal associate of Mohammod Rashid during the early 1980's. During this association, Rashid and this man had lengthy conversations in Baghdad, Iraq, during which Rashid explained that he was a member of the 15 May organization and that the organization's goals were to promote the Palestinian cause by using violence against American and Israeli persons and economic interests. Rashid told this man about the methods which Rashid and other 15 May members used to conceal and transport bombs for bombing missions. This man has agreed to testify against Mohammod Rashid in a United States court.

Rashid told the man that he (Rashid) was a captain in the organization and was the right hand of the organization's leader. Rashid recruited the man to go on a bombing mission and told the man that he (Rashid) had himself gone on bombing missions. Rashid also told the man that his (Rashid's) wife was also a hero. Rashid told the man that if he needed to reach Rashid, he could call telephone number 55 12 578. (This is the same telephone number that the "Harouks" put on their Japanese visa application and their hotel registration form in Tokyo.

The man was given a bomb and was instructed how to operate it. The FBI explosives expert states that these instructions coincide with the manner in which the bomb placed on Pan Am 830 operated. The man (who was recruited by Rashid) has, as part of a group of photos of men's faces, been shown a copy of the photograph on the "Harouk" visa application. The man has identified the "Harouk" photo as Mohammod Rashid.

19. The photograph of Bin Al-Hadi Fatima has been identified by Austrian authorities as an Austrian national named Christine Pinter. During interviews by Austrian officials in 1984 and 1985, Pinter denied having ever been in the Far East.

20. In 1982, Pan Am aircraft numbers N 754 and N 748 were owned by Bankers Trust Company and were leased by Bankers Trust Company to Pan American World Airways. Bankers Trust Company is a corporation created under the laws of the State of New York.

21. At the time of the explosion aboard Pan Am 830 on August 11, 1982, the aircraft was in flight over the high seas and out of the jurisdiction of any state.

22. During August 1982, Pan Am aircraft numbers N 754 and N 748 were being used in foreign commerce with the United States.

Donald W. Lyon

Donald W. Lyon, Special Agent
Federal Bureau of Investigation
U.S. Department of Justice

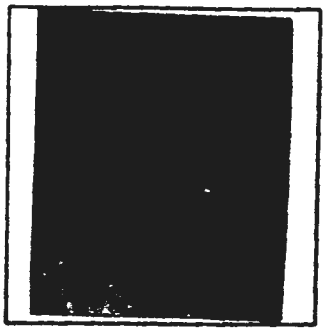
Debra J. Stevenson

Sworn to me this 1st day of June, 1988,
in Washington, D.C.

My Commission Expires April 30, 1991

GOVERNMENT EXHIBIT C-1

VISA APPLICATION FORM TO ENTER JAPAN



Name in full HAROUK ~~MOHAMED~~
(Surname)

MOHAMED
(Given and middle name)

Different name used, if any —

Sex male Marital status ~~married~~ ~~single~~

Nationality or citizenship MAROCAINE

Former nationality, if any —

Date and place of birth 5 (Day) 11 (Month) 1949 (Year) : CASABLANCA (City) (Province) MAROC (Country)

Criminal record, if any —

Home address Rue- al- Sadi 9

Tel.

Profession or occupation Ingénieur

Name and address of firm or organization to which applicant belongs AL- BASIL CONSTRUCTION & TRADING Tel. 55 12 578

Post or rank held at present Ingénieur

Principal former positions

Passport (*Refugee or stateless should note the title of Travel Document*)

No. 398383 Diplomatic, Official, Ordinary Issued at CASABLANCA on 4. 2. 1980

Issuing authority Le Gouverneur Valid until 4. 2. 1985

Purpose of journey to Japan TOURIST

Length of stay in Japan intended 10 days

Route of present journey : Name of ship or airline IRAQI AIRWAYS

Port of entry into Japan NARITA Probable date of entry 29. 7. 1982

Address of hotels or names and addresses of persons with whom applicant intends to stay

Dates and duration of previous stays in Japan —

Guarantor or reference in Japan : Name —

Address Tel.

Relationship to applicant

Persons accompanying applicant and included in his passport	Name	Relationship	Birthdate

I hereby declare that the statement given above is true and correct. Also, I understand that immigration status and period of stay to be granted are decided by the Japanese immigration authorities upon my arrival.

Date of application 15. 7. 1982

Signature of applicant

(FORM No. 1-C)

Exhibit C-1

40706062 D UE Q.1

FOR OFFICIAL USE

1. 申請受理月日

19　　年　　月　　日

2. 経伺月日

19　　年　　月　　日

公信電　第　　号

3. 本省回示

19　　年　　月　　日

公信電　第　　号

(発給査証)

日本国査証

VISA(観)

No.

Good for single journey to Japan for tourism within four months of date hereof if passport remains valid.

Baghdad 15 JUL 1982 19

For the Ambassador

(Signed) Kiyotsu Asada

(Fee LD/800)

Period of stay:

4. 旅券に記載のある外国の査証

発給国名	有効期間
	年　月　日まで
	〃　〃　〃
	〃　〃　〃

5. 自国又は居住国への再入国許可

再入国許可の名称	発給機関	有効期間
		年　月　日まで

6. 旅券に上陸証印のある本邦入国歴(最近のもの3回迄)

入国年月日	入国港	在留資
—	(空)港	4—1—

...ven above is true and correct. Also, I understand that immigration status and period of stay ...es by the Japanese immigration authorities upon my arrival.

Date of application 15. 7. 1982

Signature of applicant

(FORM No. 1-C)

4070606 2 D UE

4070606 2 D UE 01

VISA APPLICATION FOR [redacted] APAN

Name in full BIN AL-HADI
(Surname)
FATIMA - EPOUSE HAROUK
(Given and middle name)

Different name used, if any

Sex FEMALE Marital status married ~~single~~

Nationality or citizenship MAROCAINE

Former nationality, if any /

Date and place of birth 6 (Day) 7 (Month) 1959 (Year): CASABLANCA (City) (Province) MAROC (Country)

Criminal record, if any /

Home address RUE AL-SADA 9

Tel.

Profession or occupation /

Name and address of firm or organization to which applicant belongs /

Tel.

Post or rank held at present /

Principal former positions /

Passport (*Refugee or stateless should note the title of Travel Document*)

No. 378505 Diplomatic, Official, Ordinary Issued at CASABLANCA on 5. 9. 1981

Issuing authority Le Gouverneur Valid until 4. 9. 1986

Purpose of journey to Japan TOURIST

Length of stay in Japan intended 10 DAYS

Route of present journey : Name of ship or airline IRAQI AIRWAYS

Port of entry into Japan NARITA Probable date of entry 29- Juil-1987

Address of hotels or names and addresses of persons with whom applicant intends to stay

Dates and duration of previous stays in Japan /

Guarantor or reference in Japan : Name /

Address Tel.

Relationship to applicant

Persons accompanying applicant and included in his passport	Name	Relationship	Birthdate
	Zuhair	Son	21. 4. 1980

I hereby declare that the statement given above is true and correct. Also, I understand that immigration status and period of stay to be granted are decided by the Japanese immigration authorities upon my arrival.

Date of application 15 Jul 1987

Signature of applicant [signature]

(FORM No. 1-C

Exhibit C-2

1. 申請受理月日
19 年 月 日
2. 許可月日
19 年 月 日
公信電第 号
3. 本省回示
19 年 月 日
公信電第 号

FOR OFFICIAL USE

(発給査証)

日本国査証
VISA(査証)
No.
Good for single journey to Japan within four months of date hereof if passport remains valid.
Issued 15 JUL 1982 19
For the Ambassador
(Signed) Yasuo Aruga
(For J.D. Rao)
Period of stay:

有効期間
年 月 日まで

有効期間
年 月 日まで

LABORATORY
4070606 2 D UE Q2

1981

Tel.

Birthdate
21.4.1980

and that immigration status and period of stay

to be g...
Date of applicat...

(FORM No. 1-C

Exhibit C-2

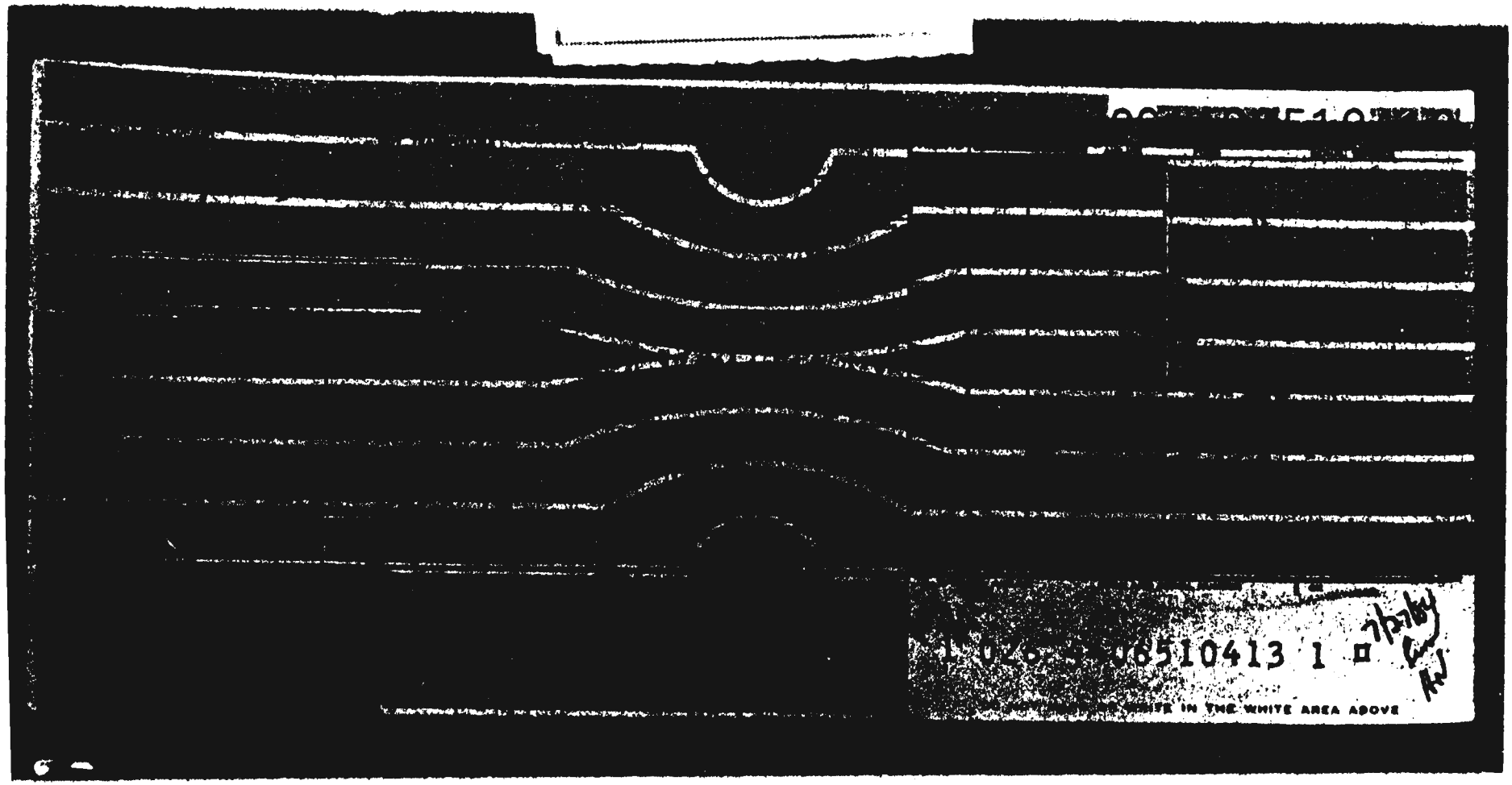


Exhibit C-3

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C-3

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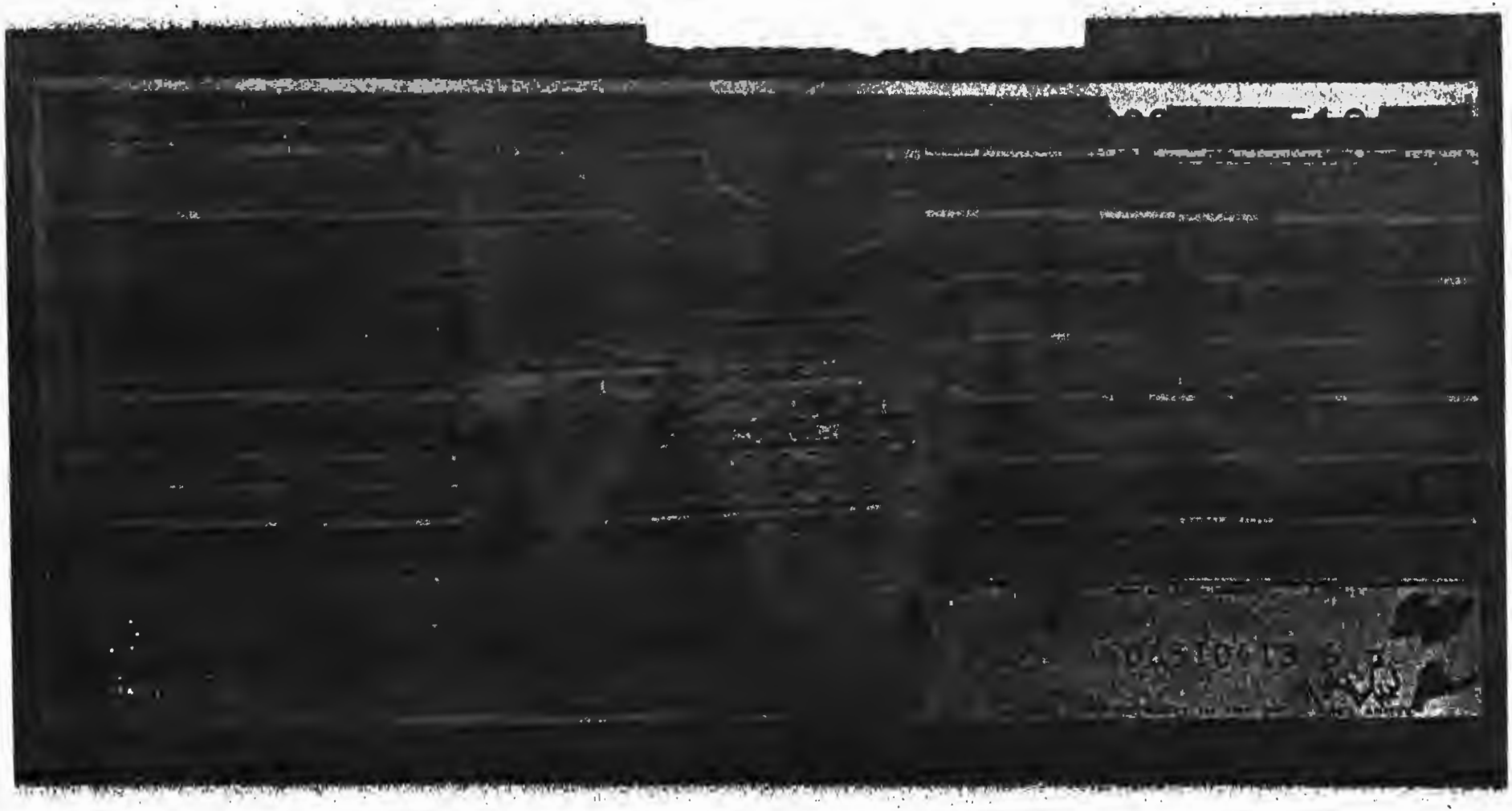
C-3



C-3

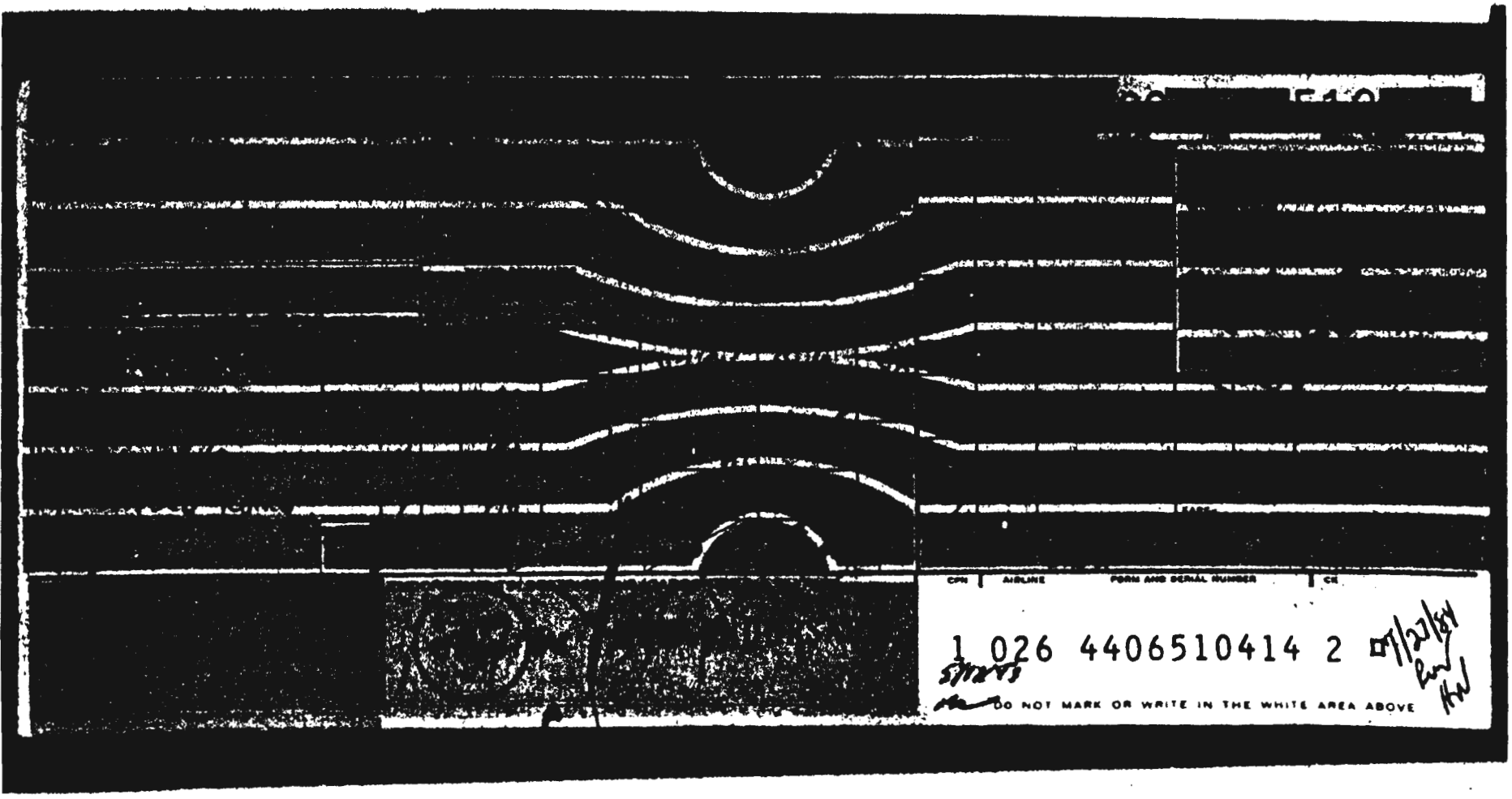

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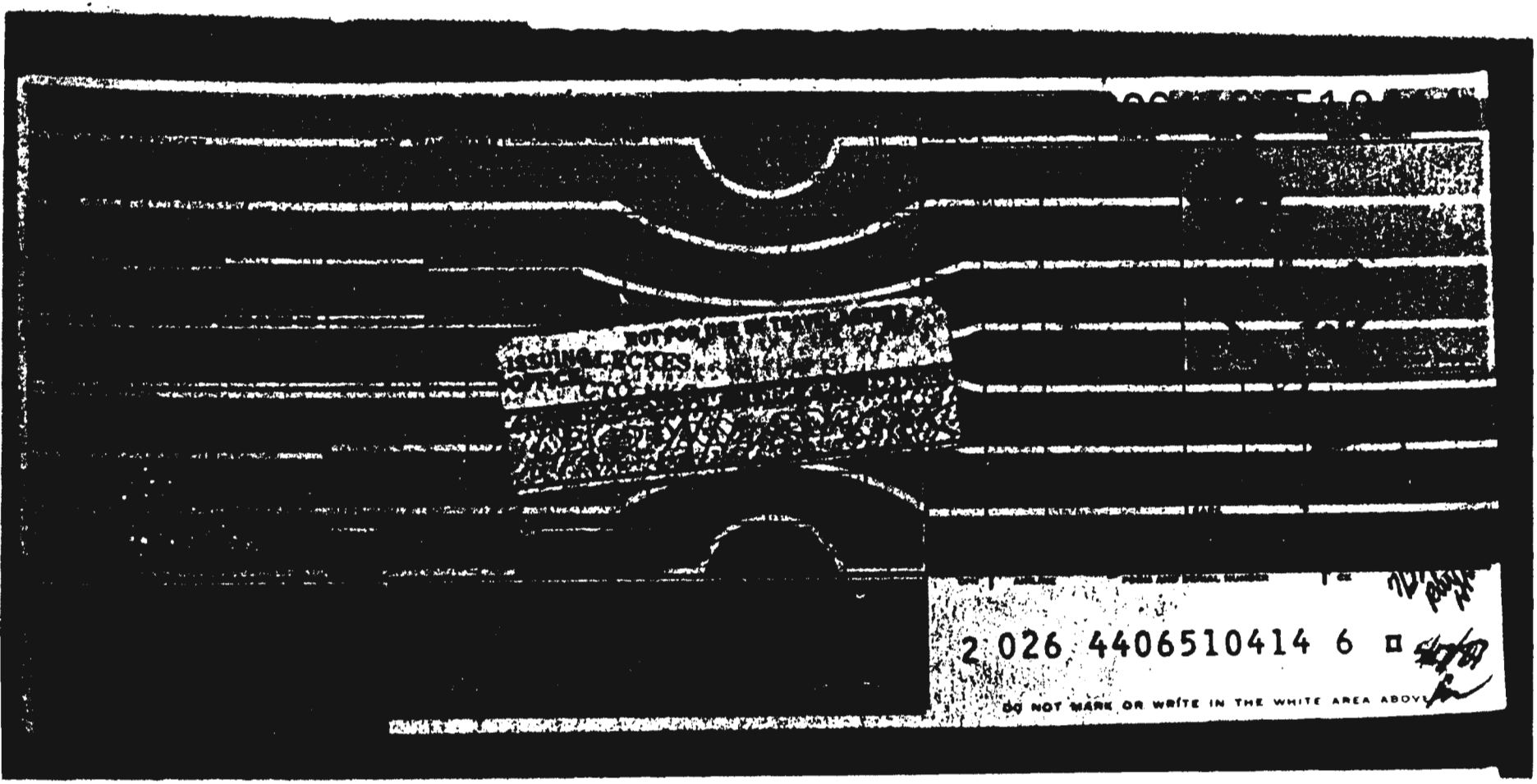
Exhibit C-4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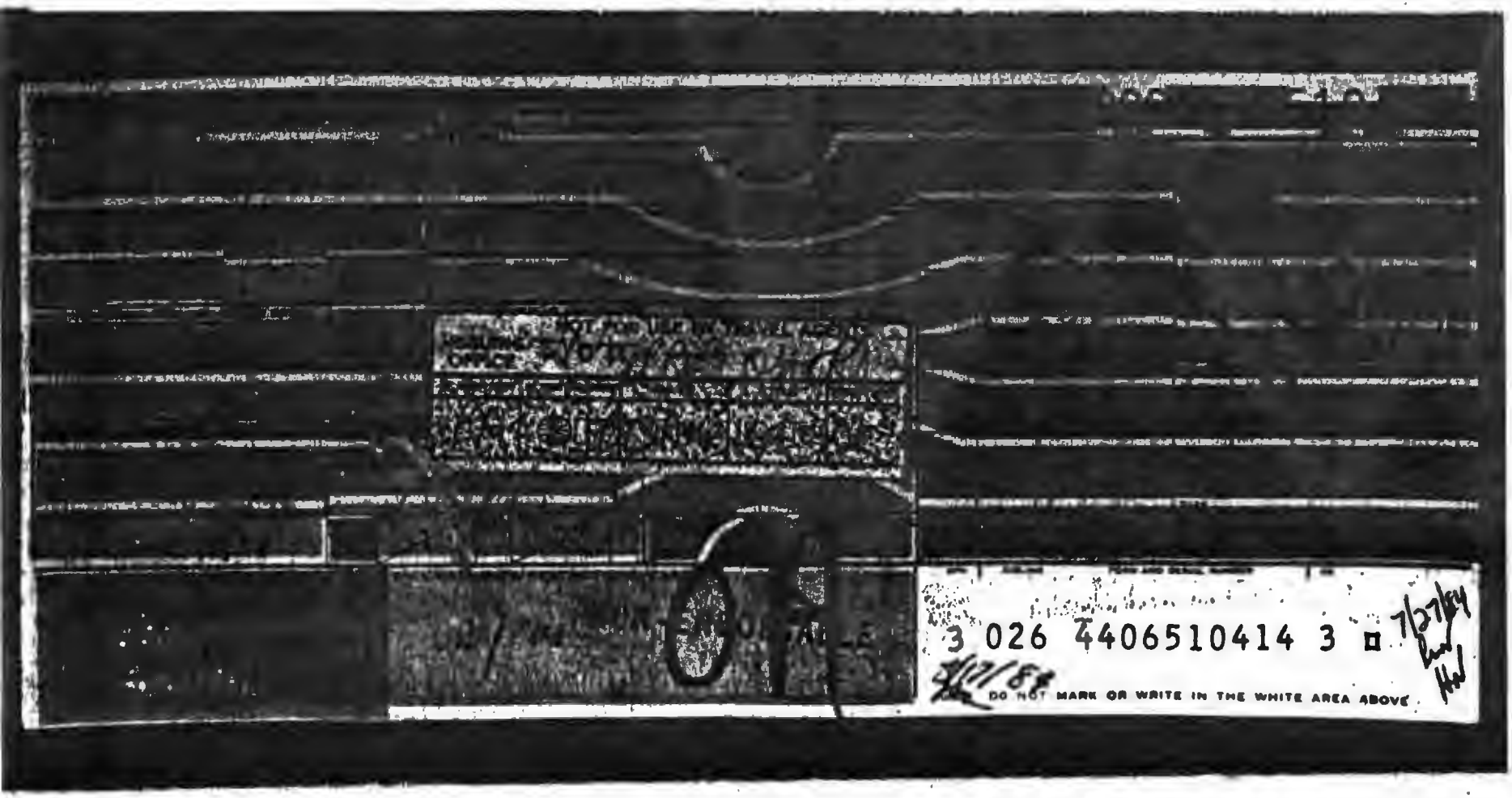
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C-4

h-D

WELCOME TO Tokyu Hotel

HAR

SON A-3.

(ふりがな)
お名前
NAME (PRINT) HAROUL, BIN AL-HADI FATIMA MR. MRS. MISS.

LAST FIRST AGE YOUR SIGNATURE

お住い
HOME ADDRESS RUE AL-SADA 9 NATIONALITY MAROC PASSPORT NO. 398383

お勤め先
OFFICE OF FIRM AL-BASIL CONST. & TR. ご自宅 お電話 ☎ 55 42 578 東急オナーズ No.

ご出発日
CHECK-OUT DATE 8/14 前夜宿泊地 LAST PLACE OF LODGING 行先地 DESTINATION

THE HOTEL CANNOT ACCEPT RESPONSIBILITY FOR LOSS OF MONEY OR VALUABLES.
SAFETY DEPOSIT BOXES ARE AVAILABLE FOR CONVENIENCE OF GUESTS.
貴重品はフロントキャッシャーでお預り致します。お預り以外の貴重品については責任を負かねます。

☑COUPON ☐VOUCHER ☐HTLODR ☐CHRGTO	☑ROOM ☐RM & B.L.D. ☐RM & MLS ☐ALL	ROOM NO. 703	RATE 30,000	CLERK	CHECK-IN
				BILL	CHECK-OUT
☑DEPOSIT ¥ 54,000 ☐ADVANCE $		REMARKS 着額 ¥2,000 本人払い OK'D. 成田 Ⓑ分			MORNING-CALL
☐R ☐CR ☐NR ☐HB ☐LB ☐NB					

GOVERNMENT EXHIBIT C-5

Exhibit C-5

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TEM 1 CMA BOARDING PAX LIST/SEAT ASSIGNEMENTS EX HKG EYCL
ONLY AS FLWS CLN
AGE ONE OF THREE
KG/TYO EY
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7JK 2BINALIHADI
3D BRISTER
9G CHAN MM
4J CHEUNG LEE MI
0J CHAN WM
0K HUNG TH
1K FUNG CHI WON
7H HAROUK
3H HARRISON
5HJK 36JK 5HILL
1H LEUNG WAI FUN
4K LEUNG YIU CHE
3FG 34FG 4LI TAM ALFRED
5K SEKIGUCHI
6C WATABE
4H TERADA
7G RAMALI
6H HARA
5D LIEW POH CHEW
2H LIN CHEN YH
8BEF 3LIUW NYI HOAM
9E LO ML
1A MOK KT
6C NATION
9B NG M
8G OKUYAMA
7AB 2PAGESOLIVER
H QUINONES
3E SAM LUISA MS
7G SATO
2BE 2SEAVER SPND/VP RAYTHEON
1A SI CK
3K SOTO
8H STEIN
9F TSANG
5D WIFFEN
4E YUEN LIRSC
8J ZIMMERMAN

TTL 52 EYCL PAX

END OF PAGE ONE OF THREE

Exhibit C-6

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.. NYCOX 140550 PA00208 AUG N754 HKG STATION INFO SUBMITTED
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RESPECTIVELY STP THIS WIRE COVERS INFO ITEM 1 STP
ITEM 1 BOARDING PAX LIST/SEAT ASSIGNEMENTS EX HKG EYCL ONLY
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PAGE TWO OF THREE
HKG/LAX EY
29A ANG
37C ARRINDELL
37K BABINCHAL
26GH 2CHAN
32H CHAN
49C CHENG
26J CHEUNG
31C CHONG S MR TWOV AA010JFK AA581 SDQ
46B CHOW
26K CHU
9C DANIELS
F DIONNE
46G KINTONO
30H KONG
10K KUM
35C LADD
39B ALPHA S 4
30J CHAN J S9L
22C ALRKIN
40C LAI
27J LEHMAN
27H LIEBERT
46A PETERSON
27ABC 3POON
48C SAK
55J SANDVIK
25J SHU
51A SIWABESSY
34B STICKLER
J SUTTHEN
J TAN
46E TSUI
26AB 2VICTOR
31K WARNER
35G WONG
32K 33HJK 4WONG
25EFGH 4WONG
39C WOO
33ABC 3YOUNG PLUS INF
37DEF 3EDMONS S9
3FG/39EFG 5SHEM S9
52G KRISTENSON S9
44C KIANG S9

TTL 61 PLUS INF

10d160525

AUG 16

PAUL R. LETERSKOG

RECEIVED
AUG 16 1982
SECURITY DEPT.

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IN 2 SEPARATE WIRES TO COVER INFO ITEM 1 AND INFO ITEM 2/3
RESPECTIVELY STP THIS WIRE COVERS INFO ITEM 1 STP
ITEM 1 BOARDING PAX LIST/SEAT ASSIGNMENTS EX HKG EYCL ONLY
AS FLLWS CLN
PAGE THREE OF THREE
HKG/TYO EY CNX PA800/JFK
49K CHEUNG CW
50ABC 3CHEUNG YBY
48A CHENG YEE MAY
32A ENG MAN JING
36B FANELLI
36E FIELD
47E FUNG HONG SHU
38BC 2HOM
29GH 2HOTUNG
30C LAM SHEUNG
48DE 2LEE KWUMING
40J LEO EDMOND
[illegible]FG 2LI HANG FONG
[illegible]F LI RUN XIU
47A LUSHER
20H NG L
47D SO KK
23A TSE CHOW
26C TSUI JOHN
48B TUNG WUNKEON
22G WONG BOSANG
24DEFG 4WONG SL
23G WONG YUK LIN
50D YEUNG YUK YIN
23C YIP TIM

TTL 34

Title 18, United States Code, Section 2:

§2. Principals

(a) Whoever commits an offense against the United STATES, OR AIDS, ABETS, COUNSELS, COMMANDS, INDUCES OR procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

Title 18, United States Code, Section 7:

§7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

* * * *

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

Title 18, United States Code, Section 31:

§31. Definitions

When used in this chapter the term--

. . . "civil aircraft", "foreign air commerce", . . . shall have the meaning ascribed to those terms in the Civil Aeronautics Act of 1938, as amended.

* * * *

Title 18, United States Code, Section 32:

§32. Destruction of aircraft or aircraft facilities

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

* * * *

Whoever willfully attempts to do any of the aforesaid acts or things--

shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Title 18, United States Code, Section 113:

§113. Assaults within maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(a) Assault with intent to commit murder . . . , by imprisonment for not more than twenty years.

* * * *

Title 18, United States Code, Section 371:

§371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

* * * *

Title 18, United States Code, Section 844:

§844. Penalties

* * * *

(i) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

(j) For the purposes of subsections (d), (e), (f), (g), (h), and (i) of this section, the term "explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents,

smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

NOTE: Pursuant to decisions of the United States Supreme Court, the death penalty under this statute cannot be constitutionally imposed. Therefore, the maximum sentence for explosive destruction of property resulting in death is life imprisonment.

Title 18, United States Code, Section 1111:

§1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, DELIBERATE, MALICIOUS, AND PREMEDITATED KILLING deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

* * * *

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto "without capital punishment", in which event he shall be sentenced to imprisonment for life;

* * * *

NOTE: Pursuant to decisions of the United States Supreme Court, the death penalty under this statute cannot be constitutionally imposed. Therefore, the maximum sentence for murder is life imprisonment.

Exhibit D-8

Title 18, United States Code, Section 1117:

§1117. Conspiracy to murder

If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

Title 18, United States Code, Section 3281:

§3281. Capital offenses

An indictment for any offense punishable by death may be found at any time without limitation except for offenses barred by the provisions of law existing on August 4, 1939.

Title 18, United States Code, Section 3282:

§3282. Offenses not capital

Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

Title 49, United States Code Appendix, Section 1301:

[This statute defines various terms as those terms are used in Title 49, United States Code Appendix, Section 1472, and the terms "civil aircraft" and "foreign air commerce" as those terms are used in Title 18, United States Code, Section 32.]

§1301. Definitions

As used in this chapter, unless the context otherwise requires--

* * * *

(10) "Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

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(17) "Civil aircraft" means any aircraft other than a public aircraft.

(18) "Civil aircraft of the United States" means any aircraft registered as provided in this chapter.

* * * *

(23) "Interstate air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, . . . in commerce between, respectively--

(a) a PLACE IN ANY STATE OF THE UNITED STATES, OR ~~(a) a place in any State of the United States, or~~

the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the

United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(24) "Interstate air transportation", "overseas air transportation", and "foreign air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire . . . in commerce between, respectively--

(a) a place in any State of the United States, or the District of Columbia, and any place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

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Title 49, United States Code Appendix, Section 1472:

Subsection (1) - Carrying Weapons, loaded firearms, and explosives or incendiary devices aboard aircraft:

(1)(1) With respect to any aircraft in or intended for operation in air transportation or intrastate air transportation, whoever--

(A) while aboard, or while attempting to board such aircraft has on or about his person or his property a concealed deadly or dangerous weapon which is, or could be accessible to such person in flight;

(B) has placed, attempted to place, or attempted to have placed a loaded firearm aboard such aircraft in baggage or other property which is not accessible to passengers in flight; or

(C) has on or about his person, or who placed, attempted to place, or attempted to have placed aboard such aircraft any bomb or similar explosive or incendiary device;

shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(2) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

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