

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED  
APR 15 1993

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

TAWFIQ MUSA, )  
ZEIN ISA, )  
SAIF NIJMEH and )  
LUIE NIJMEH, )

Defendants. )

U. S. DISTRICT COURT  
E. DISTRICT OF MO.

No. 4:93CR0089 DJS

PROFFER OF INFORMATION AND AFFIDAVIT OF  
SPECIAL AGENT JAMES C. VAN RHEIN, JR.

I, James C. Van Rhein, Jr., being sworn, hereby state as follows:

I. Introduction

1. I am a Special Agent for the Federal Bureau of Investigation and have been for 22 years. I am presently assigned to the Counter Terrorism Squad in the St. Louis office of the F.B.I. In this capacity, I am the "case agent" for the Government in the underlying indictment in this cause.

2. The Federal Bureau of Investigation initiated an investigation of ZEIN ISA, TAWFIQ MUSA, SAIF NIJMEH and LUIE NIJMEH in late 1986 and early 1987. The investigation of these individuals continued until the filing of the indictment in this cause. During the course of this investigation, and pursuant to Title 50, United States Code, Section 1801 et seq., approximately

sixty-two 62) Foreign Intelligence Surveillance Act (FISA) Court-authorized orders were issued for electronic surveillance of the defendants. During the course of this F.I.S.A. Court-authorized surveillance, the F.B.I. gathered approximately 7,000 reels of tape

3. Some of these tape recordings will be offered in the trial of the defendants as evidence. These tapes demonstrate following:

- A. The defendants are a risk to the community.
- B. There is a serious risk that the defendants will flee.
- C. There is a serious risk that the defendants will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure or intimidate a prospective witness.

## II. Nature of the Offense

4. There is substantial evidence, gathered in the electronic surveillance and from other sources, that the defendants (TAWFIQ MUSA, ZEIN ISA, SAIF NIJMEH and LUIE NIJMEH) were, during the time period of the indictment, members of the Abu Nidal Organization (or more formally known as Fatah - the Revolutionary Council). The defendants were "associated in fact" with the Nidal Organization, which is the "enterprise" delineated in the RICO charges of the indictment.

5. The Abu Nidal Organization (hereinafter referred to as the ANO) is a Palestinian terrorist group whose main purpose

is to commit acts of murder, assault, mayhem and extortion in support of their political activities. The ANO is a highly structured and organized criminal group with a distinct chain of command. The ANO is compartmentalized, with different sub-groups charged with different responsibilities. Each member is assigned to a sub-group. Within each sub-group, there is a chain of command. The chain of command flows to the top, where the Commander-in-Chief is Sabri Al Banna a/k/a Abu Nidal.

The evidence demonstrates that the four defendants comprised a sub-group or "cell" which operated out of the City of St. Louis. **ISA**, **SAIF NIJMEH** and **LUIE NIJMEH** lived in St. Louis, and reported to **TAWFIQ MUSA**, who was their supervisor. **MUSA** lived in Racine, Wisconsin, and directed the activities of the three other defendants. The St. Louis "cell" was very mobile, travelling all over the world on behalf of the ANO.

In fact, in a taped conversation, **ZEIN ISA** describes the ANO as the "largest striking force" in the world. He further describes the ANO as an "organized group" who are not "easily hunted," and whose members are "found in America, in Washington, in Europe." **ZEIN ISA** states that the ANO supports its members with money when needed. **ISA** states that "our group is a power to reckon with," and a "striking force

In another taped conversation, **ISA** describes his ANO membership as follows: "I am one of the people who spread corruption on earth . . . because there is nothing left to lose . . . let the world burn down."

6. In April of 1987, ZEIN ISA, SAIF NIJMEH and LUIE NIJMEH travelled to Mexico City, Mexico to meet with Mahmoud Atta, one of their ANO supervisors. The evidence shows that ANO members have "taskings," and at these meetings, Atta gave "taskings" to the three defendants. Some of them were as follows:

- A. To "target" Jewish and American interests for acts of terrorism. The evidence demonstrates that ANO members, such as the defendants, were expected to conduct surveillances on individuals of Jewish extraction or other institutions representing Jewish interests (i.e., synagogues, embassies, etc.) as well as American interests.
- B. To obtain light and heavy weaponry and select secret storage sites (caches) for such weaponry.
- C. To recruit new members for the ANO.
- D. To collect and transfer secret information and monies for the ANO.
- E. To obtain passports by any means possible (theft, fraud, etc.) so that other ANO members can travel without detection by law enforcement authorities across the world.
- F. To search out and discover informants providing information on the ANO to law enforcement authorities.

7. The evidence demonstrates that all four defendants, in their roles as trusted members of the ANO, attempted to fulfill and did fulfill these taskings or directions from the ANO leadership. During the defendants' activities in fulfilling these directives, the predicate acts of racketeering were committed.

## 1 Murder of Tina Isa

The electronic surveillance recorded the murder of Tina Isa on November 6, 1989. The tapes and the evidence gathered at the scene provided the basis for a State of Missouri jury to convict **ZEIN** in the murder. The jury trial was finished in October of 1991, and in December of 1991, **ZEIN ISA** was sentenced to death for killing his daughter, Tina.

The tape evidence demonstrated that before the killing, Tina had over the years (at least between 1986 and 1989) become aware of all the defendants' membership in the ANO. Tina also had general knowledge of the ANO activities of all the defendants. The tape evidence also demonstrates that, before the killing, Tina Isa had rebelled against and rejected her father's criminal association with the ANO. Tina Isa had also rejected her Palestinian heritage. Tina Isa simply wanted to be an American teenager.

Tina, in August of 1989, because of this uproar in her family, had run away from home. She came back, and started receiving beatings at the hands of her parents. Tina Isa, also in October and November of 1989, called the juvenile authorities and the Department of Family Services (State of Missouri) complaining about the physical abuse. By November 6, 1989, Tina also made statements to **ZEIN ISA** that she was going to leave home permanently on her 17th birthday, which was to occur in late November of 1989.

Now it was apparent to **ISA**, **MUSA** and the **NIJMEHS** that **ZEIN ISA** had lost control over Tina Isa. The defendants discussed the fact that Tina was out of the control of her family.

The tapes demonstrate that, because of Tina's knowledge of the group and their fear that she would expose them, a decision was made to kill Tina Isa. **SAIF NIJMEH** urged the killing because "she knows many things." **LUIE NIJMEH** urged the killing, but recommended kidnapping Tina and taking her to the West Bank, where she could be killed safely, and without suspicion. **TAWFIQ MUSA** wanted **SAIF NIJMEH** to help with the actual killing, however, **NIJMEH**

refused, stating that **ZEIN** should take care of the problem. **MUSA** advised that the group stick together and assist **ZEIN** in this "problem" as it affected the entire group (**MUSA**, **ISA**, and the two **NIJMEHS**).

After the killing, **ISA** claimed self-defense and he was released temporarily from custody. The next day, November 7, 1989, **SAIF NIJMEH** called **MUSA** and recommended that **ISA** be taken out of town as the authorities "are not buying his story." **MUSA** agreed to help **ISA** escape, however, he wanted to do it the next day in order to avoid raising suspicion. By the next day, **ISA** had been arrested.

On November 8, 1989, **ISA** was in custody, and **SAIF NIJMEH** started advising potential witnesses that if the police questioned them, "tell them you don't know anything."

On November 17, 1989, **SAIF NIJMEH** discussed the fact that there was an "Arab informant" who must be providing information to the police about **ZEIN ISA**. **SAIF NIJMEH** agreed with the co-conspirator that "it's time to start cleaning" (killing).

Finally, on December 6, 1989, **SAIF** and **LUIE NIJMEH** discussed an interview of **ISA** in jail. **LUIE** stated "Does this mean they are asking questions . . . because of these businesses (ANO)?" **SAIF** responded, ". . . they are tying this business (the killing) to that business (ANO) . . . ."

## 2. Title 31 Violations

The taped evidence provides substantial evidence that the defendants knowingly and intentionally transported in excess of \$10,000 on several occasions both out of and into the United States without filing a "Report of International Transportation Currency or Monetary Instruments (Customs Form 4790)" as required, in violation of Title 31, United States Code, Section 5316

5322

The taped evidence demonstrates that **ZEIN ISA**, as directed by **TAWFIQ MUSA** and with the help of the **NIJMEHS**, travelled from St. Louis, Missouri to the West Bank in Israel on April 6, 1988, with approximately \$15,000 in cash to be delivered to ANO operatives. On his return, in taped discussion, described how he lied to the Israelis to get the money in. stated, "it is not easy to fool them.

On May 1, 1988, **LUIE NIJMEH**, with the advice and counsel of the other defendants, travelled to the West Bank in Israel St. Louis, Missouri with in excess of \$10,000 in money for ANO operatives. On his return, on or about May 27, 1988, **LUIE NIJMEH** with the advice and counsel of the other defendants, transported approximately \$25,000 in money from a point outside the United States back into the United States. Upon his return, in taped conversations, **LUIE NIJMEH** bragged to **MUSA** and **SAIF NIJMEH** how he lied to get money into Israel

### 3. Conspiracy to Kill Jews

After travelling to Mexico City and receiving instructions from Atta to search out Jewish targets for terrorism, **ISA** and the two **NIJMEHS** returned to the United States and reported to **MUSA**. Subsequently, the defendants and co-conspirators discussed possible Jewish targets for terrorism.

In a taped conversation between **ZEIN ISA** and **SAIF NIJMEH**, **ISA** advised that in referring to Jewish people) "we are in a state of war . we have exported numerous massacres in order to si-

lence these atrocities." Here, **ISA** was advising that the ANO had conducted terrorist operations against Jews outside of Israel in order to strike back at the Jews. **SAIF NIJMEH** in the same conversation discussed the inadequacy of other Palestinian groups, and stated " if they really want to hurt American and Jewish interests here and abroad . . . they should plant a bomb . . . "

In another taped conversation with **LUIE NIJMEH** subsequent to the Atta instructions in Mexico, a co-conspirator suggested that they blow up the Israeli embassy in Washington, D.C., in order to cause discord. **LUIE NIJMEH** advised the co-conspirator to bring him a bomb, "I'll swear I'll do it

In another taped conversation, **ISA** suggested that the ANO mobilize the "trained youth here" and in Europe, and that they could "kill 3,000 Jews." **ISA** advised that the killing should be here in the United States, because if they were arrested they would just be deported. **ISA** stated: "Let's teach them how to hit people and slaughter."

In another tape in 1989, a co-conspirator updated **TAWFIQ MUSA** on an ANO terrorist act which occurred in Cypress. The co-conspirator advised **MUSA** that the ANO had just made a hit in Cypress, and that a "mined" car hit the Israeli embassy, killing 20 Jews.

In another conversation, between a co-conspirator and **LUIE NIJMEH**, **LUIE NIJMEH** was advised by a co-conspirator that another co-conspirator wanted to commit a terrorist act.



Finally, in yet another taped conversation, **SAIF NIJMEH** described the group's conflict with Jews as follows: "The Jews . they are America itself full of Jews . the Jews in America whom we are fighting . .

A confidential informant, who will not be identified further, has advised the investigating team that the ANO members, such as the defendants, are given taskings or directives by ANO leadership on a regular basis. The confidential informant has advised that the number one goal of the ANO is to target and kill Jews wherever they can be found

#### 4. Other Criminal Acts

##### A. Passports

evidence demonstrates clearly that the defendants were directed to obtain passports in any way possible including theft, fraud, etc.) in order to facilitate clandestine travel by ANO members. The tapes demonstrate that the defendants committed numerous instances of fraud relating to passports.

The tapes show that in 1988, an ANO commander had called **TAWFIQ MUSA** and requested that one of the defendants travel to Lima, Peru for a meeting. In a conversation, **MUSA** advised **ISA** that a co-conspirator was "making" a passport for **SAIF NIJMEH** so that **NIJMEH** could travel. Subsequently, **SAIF NIJMEH** advised a co-conspirator as to the illegal and fraudulent methods they used in order to obtain a "clean" passport without stamps in order to travel.

Later, in December of 1988, SAIF NIJMEH advised MUSA that ISA needed a new passport as ISA's passport was "full." NIJMEH agreed to get a new passport for ISA fraudulently.

#### B. Weapons

evidence further demonstrates that the defendants were directed to "cache" or store light and heavy weaponry. The tapes demonstrate that the defendants did this

In taped conversations, SAIF NIJMEH admitted having a cache of weapons, including an automatic machine gun buried in a wall in his apartment. This was the same apartment he shared with his brother LUIE.

In other taped conversations, SAIF NIJMEH admitted having a rocket propelled grenade launcher (RPG) in his possession.

In another conversation, a co-conspirator stated that SAIF NIJMEH provided weapons "in order to organize a resurrection and army."

#### C. Killing Witness/Informants

A confidential informant has informed the investigating team that the ANO had a standard and continuing directive to be carried out by all its members to search out and kill informants or others providing evidence or information on the ANO. This information is cross-corroborated by evidence that Atta gave directions to the defendants to search out and discover informants.

The tape evidence also demonstrates circumstances in which the defendants did fulfill this directive

First, the killing of Tina Isa is a patent example of fulfillment of this directive. Tina Isa was killed because she knew too much about the defendants, and the defendants were fearful that they would be exposed.

Further, in taped conversations between **SAIF NIJMEH** and a co-conspirator, **SAIF NIJMEH** discussed an Arab individual whom they believed was an informant for the Jordanian government. **NIJMEH** advised that he had met with **LUIE NIJMEH** and developed a plan to "bare," or expose this person as an informant. If this person were exposed, plans would be made to kill him. **NIJMEH** advised the co-conspirator not to tell this suspected informant anything, as **NIJMEH** was fearful that if any of the group members travelled, then the informant could cause them a problem with law enforcement authorities.

Finally, as detailed before, **SAIF NIJMEH** discussed fact that there was an informant within their ranks who providing information to law enforcement authorities about plans to take **ZEIN ISA** out of the country to evade prosecution for the killing of Tina Isa. **SAIF NIJMEH** agreed to start "cleaning" (killing informants).

### III. History of Defendants

#### 1. LUIE NIJMEH

- A. **NIJMEH** is currently residing in Dayton, Ohio. He has only lived in this area less than one year, and frequently travels to St. Louis, Missouri to meet friends and relatives.
- B. During the latter part of 1992, **NIJMEH** travelled to the West Bank in Israel
- C. Over the years of the FBI's investigation, **NIJMEH** has frequently travelled all over the world on short notice. **NIJMEH** has foreign contacts all over the globe
- D. **NIJMEH's** wife and child currently reside in the West Bank in Israel. It must be noted that the extradition treaty with Israel provides no facility for extraditing individuals residing in the West Bank.
- E. In January of 1993, **NIJMEH** was arrested for possession of cocaine (approximately 150 grams) by the St. Louis City Police Department, and has been charged in a felony complaint issued in the Circuit Court for the City of St. Louis.

#### 2. ZEIN ISA

**ZEIN ISA** is currently on death row in the Missouri Penitentiary system for the killing of Tina Isa.

3. SAIF NIJMEH

- A. **SAIF NIJMEH** lives in the St. Louis area, and operates a liquor store in St. Louis County, Missouri.
- B. **NIJMEH** also, like his brother, has travelled all over the world for the ANO and has foreign contacts all over the globe.
- C. **NIJMEH** also, during late 1992, travelled to the West Bank. The extradition treaty with Israel provides no facility for extraditing people from the West Bank. Most of **SAIF NIJMEH's** extended family lives in the West Bank.

4. TAWFIQ MUSA

- A. **MUSA** has lived in the Racine, Wisconsin area at least since the initiation of this investigation
- B. **MUSA** also has travelled extensively throughout the world on short notice from the ANO. **MUSA** has extensive foreign contacts throughout the world.
- C. **MUSA** has family living in the West Bank and has travelled there frequently in the past six years.

## CONCLUSIONS

Based upon the evidence gathered in the course of this investigation and the information I have received from confidential sources, it is my firm belief that:

### A. Risk and Danger to the Community

four defendants are an extreme danger to the community. They are trusted members of one of the most dangerous and volatile terrorist groups active in the world today. They act out of passion, fear and irrational thought, which is most patently exemplified by the killing of Tina Isa. During the course of the investigation, the defendants acted in concert to further the terrorist aims and objectives of the ANO. Based on the acts described herein, it is clear that the defendants pose a threat and danger to the public.

### B Risk of Flight

There is a serious risk that all four defendants will flee the jurisdiction if released on bond. The following acts make clear this conclusion:


- 1 The charges in the indictment carry mandatory terms of life in prison with no possibility of probation or parole.
2. The defendants have available foreign contacts all over the world who would aid them in flight.

3. The defendants have used fraud to obtain passports to facilitate their criminal travels.
4. The defendants have close family contacts with West Bank. There is no provision in the extradition treaty with Israel governing the West Bank whereby the defendants could be retrieved if flight were made there.

C. Risk of Obstruction/Intimidation

There exists a serious risk that the defendants will obstruct or attempt to obstruct justice, and intimidate prospective witnesses. The fact that the defendants conspired to kill and did kill Tina Isa because she knew "many things" is a patent and factual display of this intent. Further efforts to "bare" and kill one whom they felt was an informant also exhibits this intent. Further, this risk was displayed when **MUSA** and **SAIF NIJMEH** planned to move **ISA** out of the country in order to evade prosecution and avoid investigation of their group. Finally, this risk was exhibited when **SAIF NIJMEH** instructed prospective witnesses in the murder of Tina Isa to tell police that they knew nothing. These facts clearly exhibit the serious risk that the defendants will either obstruct justice, attempt to obstruct justice, intimidate, threaten or injure prospective witnesses, or attempt to intimidate, threaten or injure prospective witnesses.

3/31/93  
Date

  
\_\_\_\_\_  
JAMES C. VAN RHEYN, JR.  
Special Agent  
Federal Bureau of Investigation  
Affiant

City of St. Louis

State of Missouri )

SS

Subscribed and sworn to before me on this 31<sup>st</sup> day of  
March, 1993.

ROBERT I HARSH  
NOTARY PUBLIC STATE OF MISSOURI  
ST LOUIS COUNTY  
MY COMMISSION EXP JAN 30, 1995

Robert J. Harsh  
Notary Public





acts in furtherance thereof.

5. The Indictment further fails to state with particularity which defendants or co-conspirators committed which alleged overt acts, which objects of the alleged conspiracy the overt acts were committed in furtherance of, and whether the Government intends to introduce evidence of other overt acts not alleged in the Indictment.

6. The Indictment further fails to provide with particularity the other information requested in the Motion for the Bill of Particulars.

7. There has been no preliminary examination in this case, and Defendant, TAWFIQ MUSA, does not have sufficient knowledge of the facts concerning the alleged conspiracy to enable him to prepare for trial.

8. In a case of this nature, the Government might proceed to trial under any one of several theories. The Indictment fails to inform Defendant, TAWFIQ MUSA, of the specific theory or theories on which the Government intends to rely in this specific case, and therefore fails to adequately inform him of the nature and scope of the charge against him.

9. The Indictment also fails to inform Defendant, TAWFIQ MUSA, of whether the United States, in addition to the evidence it will present on the charged offense, also intends to present evidence of other so-called similar offenses.

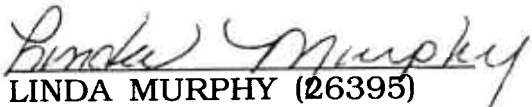
10. The information requested is essential to enable Defendant, TAWFIQ MUSA, to adequately prepare for and proceed to trial in this case.

11. Without the requested information, Defendant, TAWFIQ MUSA, and defense counsel will be compelled to expend great amounts of time and money in attempting to investigate every possible government theory, as well as all possible evidentiary issues, regardless of which theory and which evidence the United States actually intends to rely on and present. The requested information will enable Defendant and defense counsel to avoid such unnecessary expenditures of time and money, and will therefore facilitate Defendant's preparation for trial and the introduction of defense evidence at trial

12. The requested information will enable Defendant, TAWFIQ MUSA, to avoid surprise at trial. Without such information, it is extremely likely that there will be long periods of delay during the trial, due to surprise, and there is a substantial possibility that the defense would have to request a continuance during trial.

13. For all of the above reasons, it is essential that Defendant, TAWFIQ MUSA, be provided with the information requested in the motion, so that he may understand the nature of the charge against him and be able to prepare an adequate defense

Dated: May 14, 1993

  
LINDA MURPHY (26395)  
111 South Bemiston, # 123  
Clayton, Missouri 63105  
(314)727-7122

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,

U. S. DISTRICT COURT  
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Plaintiff,

Docket No. 4:93CR00089DJS

v.

TAWFIQ MUSA, ZEIN ISA,  
SAIF NIJMEH, AND LUIE NIJMEH.

Defendants.

AFFIDAVIT AND CLAIM OF PRIVILEGE OF  
THE ATTORNEY GENERAL OF THE UNITED STATES

City of Washington )

ss.

District of Columbia

JANET RENO, being duly sworn, deposes and says:

1. I am the Attorney General of the United States of America and head of the United States Department of Justice, an Executive Department of the United States Government. I have official custody and control of the files and records of the United States Department of Justice. The matters stated herein are based upon my knowledge, upon review and consideration of documents and information available to me in my official capacity as Attorney General, upon discussions that I have had with other Justice Department officials, and upon conclusions reached after my review of this information.


2. I submit this affidavit, pursuant to Section 106(f) of the Foreign Intelligence Surveillance Act (the Act), 50 U.S.C. § 1806(f), in connection with the opposition of the United States of America to the disclosure of any United States Foreign Intelligence Surveillance Court documents relating to electronic surveillance of the defendants, and to the disclosure of any additional information with respect to electronic surveillances authorized by the United States Foreign Intelligence Surveillance Court, other than the release of tape recordings of defendants communications intercepted pursuant to the Act.

3. Based on the facts and considerations set forth below, I hereby claim it would harm the national security of the United States to disclose or have an adversary hearing with respect to the documents of the United States Foreign Intelligence Surveillance Court which are contained in the sealed Exhibit submitted herewith

4. I am submitting herewith the affidavit of Wayne R. Gilbert, Assistant Director, Intelligence Division, Federal Bureau of Investigation, to the Court, ex parte, in camera setting forth in detail the facts upon which this claim of privilege is based. Based on the facts set forth therein, I certify that to publicly disclose, or have an adversary hearing with respect to, the particular facts contained in the sealed Exhibit and concerning electronic surveillance other than to the court, ex parte, in camera, would harm the national security of the United States; that the sealed Exhibit contains sensitive

information concerning United States intelligence sources and methods and other information relating to United States efforts to conduct counterterrorism investigations; and that it would damage the security interests of the United States to further reveal the sources and methods this Nation is using to conduct such investigations.

5. I respectfully request the Court to treat the contents of the sealed Exhibit, for security purposes, in the same manner as they were treated in submission to the Court and to return the Exhibit to the Department of Justice upon the disposition of the instant petition. The Department of Justice will retain the Exhibit under the seal of the Court subject to any further orders of this Court or other courts of competent jurisdiction.

  
\_\_\_\_\_  
Janet Reno  
Attorney General of the United States

Subscribed and sworn to before me  
this 24<sup>th</sup> day of June, 1993.

  
\_\_\_\_\_  
Notary Public

My commission expires: September 30, 1994

Patricia A. Binninger  
Notary Public, District of Columbia  
My Commission Expires Sept. 30, 1994