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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VALLMOE SHQAIRE,
aka "Mohamad Shqaire,"
aka "Mahmad Hadr Mahmad
Shakir,"

Defendant.

No. CR 18-656-JFW

GOVERNMENT'S POSITION REGARDING
SENTENCING

Sentencing Date: April 26, 2019
Hearing Time: 8:30 a.m.

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorneys Annamartine Salick and Robyn K. Bacon, hereby files its sentencing position and response to the Presentence Report ("PSR") and Recommendation Letter submitted by the United States Probation Office ("USPO") for defendant Vallmoe Shqaire ("defendant").

1 The government concurs in the sentencing guidelines calculations
2 contained in the PSR but respectfully disagrees with the USPO's
3 recommended sentence. The government respectfully requests that
4 defendant be sentenced to 16 months' imprisonment -- a sentence that
5 appropriately reflects the seriousness of defendant's conduct,
6 defendant's attack on our immigration system, and defendant's long
7 and violent criminal past.

8 This position is based upon the attached memorandum of points
9 and authorities, the files and records in this case, and such further
10 evidence and argument as the Court may permit.

11 Dated: April 9, 2019

Respectfully submitted,

12 NICOLA T. HANNA
13 United States Attorney

14 PATRICK R. FITZGERALD
15 Assistant United States Attorney
 Chief, National Security Division

16 /s/ Annamartine Salick
ANNAMARTINE SALICK

17 ROBYN K. BACON
18 Assistant United States Attorneys

19 Attorneys for Plaintiff
20 UNITED STATES OF AMERICA
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TABLE OF CONTENTS

<u>DESCRIPTION</u>	<u>PAGE</u>
TABLE OF AUTHORITIES.....	1
I. INTRODUCTION.....	1
II. FACTUAL BACKGROUND.....	2
A. DEFENDANT BECOMES A UNITED STATES CITIZEN BY REPEATEDLY MAKING FALSE STATEMENTS UNDER OATH.....	2
B. COURT RECORDS FROM ISRAEL SHOW THAT DEFENDANT MADE MATERIAL FALSE STATEMENTS UNDER OATH.....	5
C. DEFENDANT IS ARRESTED IN 2010 AND MAKES FALSE STATEMENTS TO LAW ENFORCEMENT OFFICERS.....	7
D. THE PLO, FATAH, AND THE SHABIBA YOUTH MOVEMENT.....	7
III. GOVERNMENT'S SENTENCING POSITION AND RECOMMENDATION.....	9
A. Sentencing Guidelines Calculation.....	9
B. Objection to the USPO'S Recommended Sentence.....	10
C. Nature and Circumstances of the Offense.....	11
D. History and Characteristics of the Defendant.....	12
E. Need to Avoid Sentencing Disparities.....	13
IV. CONCLUSION.....	14

TABLE OF AUTHORITIES

<u>DESCRIPTION</u>	<u>PAGE</u>
<u>FEDERAL CASES</u>	
United States v. Biheiri, 299 F. Supp. 2d 590, E.D.V.A. January 21, 2004).....	12
United States v. Damrah, 412 F.3d 618 (6th Cir. 2005).....	12
United States v. Odeh, 815 F.3d 968 (6th Cir. 2015).....	12
United States v. Saeteurn, 504 F.3d 1175 (9th Cir. 2007).....	12
<u>FEDERAL STATUTES</u>	
18 U.S.C. § 1425.....	1, 10, 12
18 U.S.C. § 3553.....	9
<u>OTHER AUTHORITIES</u>	
California Penal Code § 487.....	7

1 **I. INTRODUCTION**

2 Defendant pleaded guilty to a serious offense - the unlawful
3 procurement of U.S. citizenship in violation of 18 U.S.C. § 1425(a).
4 Defendant fraudulently procured citizenship by making false
5 statements repeatedly under oath - both in connection with his 2002
6 application to become a Lawful Permanent Residence ("LPR") and in his
7 2008 naturalization application. By repeatedly lying to U.S. Citizen
8 and Immigration Services ("USCIS") Officers, defendant sought to
9 conceal his extensive and violent criminal history in Israel and
10 attacked the immigration safeguards that are in place to protect
11 against persons like the defendant from entering our country.
12 Specifically, defendant denied that he had ever been arrested,
13 charged, convicted, and served a prison sentence or was a member of
14 an organization, when in fact, defendant was convicted and sentenced
15 to 10 years' imprisonment in Israel for, *inter alia*, being a member
16 of the Palestinian Liberation Organization ("PLO"), conspiring with
17 others to place an improvised explosive device ("IED") on an Israeli
18 bus, and assaulting persons suspected of cooperating with the
19 Israelis.

20 Defendant's criminal conduct in Israel was egregious - he
21 committed numerous violent acts at the direction of an organization
22 engaged in terrorism. And defendant's criminal conduct continued
23 upon his arrival in the United States. Defendant repeatedly lied
24 under oath to gain immigration benefits that would have been denied
25 to him had the truth of his criminal history been disclosed.
26 Following his fraudulent acquisition of U.S. citizenship, defendant
27 made additional false statements to law enforcement officers and
28

1 engaged in a criminal scheme that ultimately resulted in defendant
2 pleading guilty to three counts of felony grand theft.

3 To adequately address the seriousness of defendant's conduct and
4 defendant's persistent disregard for the rule of law, the government
5 respectfully asks this Court to sentence defendant to 16 months'
6 imprisonment - the maximum sentence available under the applicable
7 guidelines calculation.

8 **II. FACTUAL BACKGROUND**

9 **A. DEFENDANT BECOMES A UNITED STATES CITIZEN BY REPEATEDLY** 10 **MAKING FALSE STATEMENTS UNDER OATH**

11 Defendant, a Jordanian citizen, first came to the United States
12 on a B-2 visitor's visa on September 24, 1999. (PSR ¶¶ 34, 9). On
13 June 5, 2002, defendant filed an application to become an LPR via an
14 I-485 Form. As part of the application, defendant declared under
15 penalty of perjury that the application and evidence submitted is
16 "all true and correct." Defendant made the following statements that
17 were later determined to be false:

18 Question: List your present and past membership in or
19 affiliation with every political organization, association,
20 fund, foundation, party, club, society or similar group in
21 the United States or in other places since your 16th
22 birthday.

23 Answer: None

24 Question: Have you ever, in or outside the U.S. been
25 arrested, cited, charged, indicted, fined or imprisoned for
26 breaking or violating any law or ordinance, excluding
27 traffic violations?

28 Answer: No.

Question 4: Have you ever engaged in, conspired to engage
in, or do you intend to engage in, or have you ever
solicited membership or funds for, or have you through any
means ever assisted or provided any time of material

1 support to any person or organization that has ever engaged
2 or conspired to engage in sabotage, kidnapping, political
3 assassination, hijacking or any other form of terrorist
4 activity?

Answer: No.

5 On November 5, 2004, defendant was interviewed by USCIS in
6 connection with his LPR application. After being placed under oath
7 defendant repeated the statements appearing his I-485, several of
8 which were false were later determined to be false.

9 On August 8, 2007, defendant submitted an N-400, Application for
10 Naturalization, and certified the application "under penalty of
11 perjury under the laws of the United States of America, that this
12 application, and all the evidence submitted with it, are all true and
13 correct." In the written application, defendant made the statements
14 that were later determined to be false:

15 Question: Have you ever¹ been a member of or associated with
16 any organization, association, fund, foundation, party,
17 club, society or similar group in the United States or any
18 other place?

Answer: No.

18 Question: Have you ever been a member of or in any way
19 associated (either directly or indirectly) with: A
20 terrorist organization.

Answer: No

21 Question: Have you ever advocated (either directly or
22 indirectly) the overthrow of any government by force or
23 violence?

Answer: No.

24 Question: Have you ever persecuted (either directly or
25 indirectly any person because of race, religion, national
26 origin, membership in a particular social group or
27 political opinion.

Answer: No.

28 Question: Have you ever been arrested, cited or detained by

¹ Emphasis in original

1 any law enforcement officer . . . for any reason?

2 Answer: No.

3 Question: Have you ever been charged with committing any
4 crime or offense?

5 Answer: No.

6 Question: Have you ever been convicted of a crime or
7 offense?

8 Answer: No

9 Question: Have you ever been in jail or prison?

10 Answer: No

11 Question: Have you ever given false or misleading
12 information to any U.S. government official while applying
13 for any immigration benefit or to prevent deportation,
14 exclusion or removal?

15 Answer: No

16 Question: Have you ever lied to any U.S. government
17 official to gain entry or admission into the United States?

18 Answer: No

19 On October 7, 2008, USCIS interviewed defendant in connection
20 with his N-400 Application. Defendant was placed under oath and
21 swore or affirmed under "penalty of perjury" that contents of the
22 application, any documents submitted with the application, and any
23 additional answers "are true and correct to the best of my knowledge
24 and belief." During the interview, defendant made the following
25 statements later determined to be false:

26 Question "9": Have you ever been a member of or associated
27 with any organization, association, fund, foundation,
28 party, club, society or similar group in the United States
or in any other place?

Answer: "States no."

Question "11": which appears to be a combination of the
preceding subsections (have you ever been arrested,
charged, convicted, or served in jail or prison),

Answer: "States no arrests or court."

Question "12": "have you ever lied to any U.S. government
official to gain entry or admission into the United States"

1 Answer" "States no"
2 Defendant's application to become a naturalized U.S. citizen was
3 approved and on November 6, 2008, defendant took an oath and was
4 awarded a certificate of naturalized citizenship.

5 **B. COURT RECORDS FROM ISRAEL SHOW THAT DEFENDANT MADE MATERIAL**
6 **FALSE STATEMENTS UNDER OATH**

7 In response Mutual Legal Assistant Treaty requests, the
8 government of Israel provided certified court records showing that
9 defendant was convicted of serious, violent felonies and terrorist
10 acts in the late 1980s and early 1990s.

11 According the certified court records Israel provided, defendant
12 was arrested twice: once in 1988 and again in 1990.² (See Exhibit
13 A).³ According to the certified indictment Israeli provided,
14 defendant was charged in a five-count indictment for his role in a
15 December 19, 1988 incident in which the defendant, acting on the
16 direction of the PLO's "Shabiba cell,"⁴ and another man constructed
17 an IED and placed it on a bus used by Israelis. (See Exhibit B).
18 Specifically, the Israeli Indictment charged defendant with:
19 (1) membership in an unlawful organization, to wit, the "Shabiba"
20 cell of the PLO; (2) activity directed against public order;
21 (3) incitement and hostile propaganda; (4) placing a bomb (IED) on an
22 Israeli bus with the intent to cause death or harm; and (5) activity

23 ² The Israelis fingerprinted defendant at his arrest and
24 provided those records to the government. The Homeland Security
25 Investigations Forensic Laboratory compared defendant's Israeli
26 fingerprint card with fingerprints obtained from defendant during his
27 2010 arrest and determined that they belong to the same individual.

28 ³ The exhibits referenced herein contain both the Hebrew-
language certified court records Israel provided and the English-
language certified translations.

⁴ "Shabiba" meaning "youth" in Arabic, is transliterated in
English as both "Shabiba" and "Shabeba."

1 against public order, specifically assaulting persons suspected of
2 cooperating with the Israelis. (Id.).

3 Defendant was convicted on October 23, 1991 and was sentenced to
4 10 years' imprisonment. (See Exhibit C). The sentencing memorandum
5 defendant's counsel submitted to request leniency shows that
6 defendant admitted his conduct as charged in the indictment, but
7 claimed not to be the "initiator" and that "no damage was caused as a
8 result of [placing the IED on the bus]." (See Exhibit D at 3-4).

9 According to the sentence and judgment order, the court
10 explained the lengthy sentencing, finding:

11 [Defendant's] activities started in the year 1988, and
12 since then, he acted continually within the framework of
13 the organization. This is not a one time, opportunist
14 activity, rather continuous and varied activities . . . It
15 seems that [defendant's] participation in this terrorist
16 act [conspiring to place the IED on the bus] places him at
17 a very serious level of a terrorist act. The
18 characteristics of the attack, its cleverness, and the
19 target chosen, demonstrate that the accused adopted the
20 catastrophic terrorist act.

21 (Id. at 7-8).

22 According to a 1992 appellate order, defendant appealed his
23 sentence and the appellate court upheld the original 10-year
24 sentence but reduced the time defendant was required to serve to
25 seven years. (See Exhibit F at 6). The verification of inmate
26 release shows that defendant served four years in prison
27 following his conviction on the 1990 indictment and was release
28 early due to special circumstances related to a prisoner
exchange between the Israeli government and the Palestinians.
(See Exhibit G).

1 **C. DEFENDANT IS ARRESTED IN 2010 AND MAKES FALSE STATEMENTS TO**
2 **LAW ENFORCEMENT OFFICERS**

3 On September 15, 2010, Los Angeles County Sheriff's Department
4 ("LASD") deputies arrested defendant on felony grand theft charges.
5 Following his arrest, LASD deputies interviewed defendant. Defendant
6 was advised of his Miranda rights, waived them, and admitted that he
7 was a member of "Fatah" and that he had been arrested on two
8 occasions in Israel in the late 1980s. However, defendant falsely
9 stated that he was arrested for taking part in demonstrations, not
10 for the violent, terrorist acts he pleaded guilty to, and claimed
11 that he did not remember if he disclosed the arrests or his
12 associations to USCIS.

13 The County of Los Angeles charged defendant with six counts of
14 felony grand theft, in violation of California Penal Code § 487(a).
15 Following guilty pleas to three counts on June 29, 2011, defendant
16 was sentenced to a suspended, five-year sentence, 120 days'
17 incarceration, and a five-year term of probation.

18 **D. THE PLO, FATAH, AND THE SHABIBA YOUTH MOVEMENT**

19 Dr. Matthew Levitt, an expert in the Israeli-Palestinian
20 conflict and Middle East terrorist organizations, authored an expert
21 report in connection with this case that provides: (1) a brief
22 history of the PLO, Fatah, and the Shabiba Youth Movement;
23 (2) describes the goals and tactics used by the PLO, Fatah, and the
24 Shabiba Youth movement; (3) details and how the U.S. Government
25 classified and related to the PLO and Fatah. (See Exhibit H).⁵

26
27 ⁵ Exhibit H is a redacted version of Dr. Levitt's expert report
28 that remove personally identifying information regarding his
education and background. An unreacted version of the report and his

1 According to Dr. Levitt's report, the PLO is a political entity
2 dedicated to the liberation of Palestine through violent, armed
3 struggle. (Id. at 6). Founded in 1964, the PLO began carrying out
4 attacks targeting Israelis civilians and security forces following
5 Israel's military victory in the 1967 Six Day War. (Id. at 7). The
6 PLO operated a violent, terrorist campaign from 1967 through the
7 early 2000s. (Id.).

8 The PLO is an umbrella organization that includes a wide-range
9 of secular and religious factions and ideologies. In the late 1960s,
10 Fatah emerged as the largest and most significant of the PLO
11 constituent groups. (Id. at 7). Fatah's Shabiba youth movement
12 emerged as a "local initiate" that operated in the Palestinian
13 territories at the direction of Fatah after Fatah's leadership was
14 exiled in Tunis in the 1980s. (Id. at 11). The Shabiba youth
15 movement "played a central role" in the Palestinian resistance,
16 engaging in social, political, and violent forms of resistance
17 against Israel in the 1980s. (Id. at 13).

18 Throughout the 1980s and 1990s, the PLO and its member
19 organizations carried out hundreds of terrorist attacks against
20 Israeli and civilian targets and the PLO declared "open season" on
21 American diplomats in Europe. (Id. at 13). The PLO and its member
22 organizations used a variety of violent means to further their
23 political goals, including bombings, assassinations, and kidnappings.
24 (Id.).

25 In 1986, the U.S. Congress passed the Anti-Terrorism Act of 1987
26 and determined that the "PLO and its affiliates are terrorist
27

28 CV were previously provided to defense counsel and filed under seal
with the Court. (CR 52).

1 organizations and a threat to the interests of the United States, its
 2 allies, and to international law." (Id. at 17). Although the U.S.
 3 Department of State did not designate the PLO a Foreign Terrorist
 4 Organization, in 2002, it designated Fatah's al Aqsa Martyr's Brigade
 5 as an FTO. (Id. at 11). The PLO continues to exist today, however,
 6 the Palestinian Authority overtook the PLO following the Oslo Accords
 7 in 2007 and has governed the Palestinian territories ever since.
 8 (Id. at 15).

9 **III. GOVERNMENT'S SENTENCING POSITION AND RECOMMENDATION**

10 The government submits that a 16-month sentence, followed by a
 11 three-year term of supervised release, and a \$100 mandatory special
 12 assessment, is sufficient, but not greater than necessary, to address
 13 the factors set forth in 18 U.S.C. § 3553(a)(2).

14 **A. Sentencing Guidelines Calculation**

15 Pursuant to a plea agreement, the parties agreed to the
 16 following sentencing factors, which the USPO confirmed in its
 17 calculations:

18	Base Offense Level:	8	U.S.S.G. § 2L2.2
19	Specific Offense		
20	Characteristics:	+5	U.S.S.G. § 2L2.2(b)(4)(A) ⁶
21	Acceptance of Responsibility:	-2	U.S.S.G. § 3E1.1(a)
22	Total Offense Level:	11	

25 ⁶ U.S.S.G. § 2L2.2(4)(A) provides, "If the defendant committed
 26 any part of the instant offense to conceal the defendant's membership
 27 in, or authority over, a military, paramilitary, or police
 28 organization that was involved in a serious human rights offense
 during the period in which the defendant was such a member or had
 such authority increase by 2 levels. If the resulting offense is
 less than 13, increase to level 13." (Emphasis original).

1 (PSR ¶¶ 15-24). The USPO calculated defendant's criminal history to
2 be a Category II. (Id. ¶ 29). Accordingly, defendant's advisory
3 guidelines range is 10 to 16 months' imprisonment. (PSR ¶ 56).

4 As part of the plea agreement, defendant further agreed to a
5 stipulation for a judicial removal order and agreed not contest his
6 removal from the United States to Jordan. (PSR ¶¶ 3-6). As a result
7 of his conviction under § 1425 conviction, defendant's U.S.
8 citizenship will also be revoked.

9 **B. Objection to the USPO'S Recommended Sentence**

10
11 The USPO's recommended sentence - 5 months' imprisonment and 5
12 months' home confinement - does not begin to account for the
13 seriousness of defendant's conduct. Although the government provided
14 the USPO with a lengthy factual description of defendant's conduct,
15 citing the specific investigative reports and certified court records
16 underlying each factual assertion, the PSR did not address the extent
17 and nature of defendant's attack on our legal system. The
18 recommended period of incarceration, which is one-half of the
19 applicable guidelines' low-end calculation, fails to address
20 defendant's circumvention of the immigration procedures that are in
21 place to protect persons like the defendant from entering the United
22 States.

23 Indeed, in the Recommendation Letter, the USPO describes
24 defendant's conduct as lying "about having been arrest of **a crime**,
25 and about having been imprisoned there as a result." (Recommendation
26 Letter at 3) (emphasis added). The USPO further credited defendant's
27 "insight" into the offense, stating that defendant lied because he
28 "desperately wanted" to remain in the United States. (Id.).

1 The framing of defendant's conduct as mere "lies" about a prior
2 arrest and prison sentence and a desire to remain in the United
3 States, ignores the dangerousness of defendant's conduct. By
4 concealing his violent, terrorist conduct, defendant circumvented the
5 procedures our immigration system depends upon. Defendant deserves a
6 sentence at the high-end of the applicable guidelines range to
7 account for defendant's serious attack on our institutions and to
8 deter others from abusing the safeguards that protect our national
9 security.

10 **C. Nature and Circumstances of the Offense**

11 Defendant fraudulently obtained U.S. citizenship by repeatedly
12 lying under oath in an effort to conceal the violent, terrorist acts
13 he committed and his membership in a terrorist organization.
14 Defendant's attempts to minimize his conduct, claiming to have been
15 "very young" and to have "acted stupidly" in his interview with USPO
16 (PSR ¶ 14), only underline defendant's lack of remorse and failure to
17 take responsibility for his conduct. As the Israeli sentencing court
18 noted, defendant's criminal conduct was not a "one time, opportunist
19 activity." (Exhibit E at 7). Rather, defendant engaged in a multi-
20 year campaign of violence that targeted civilians, including his own
21 Palestinian community members. As Dr. Levitt noted, the conduct
22 defendant pleaded guilty to were "typical" activities that the PLO
23 and Fatah's Shabiba youth movement employed in its violent resistance
24 to Israel in the 1980s and early 1990s. (Exhibit H at 19). It was
25 this type of violence that led the U.S. Congress to declare that the
26 PLO and its affiliates were "terrorist organizations" and posed a
27 threat to the United States. (Id. at 17).

1 Moreover, defendant's criminal conduct did not end when he
2 arrived in the United States. Defendant abused the immigration
3 system, repeatedly perjuring himself under oath to conceal his
4 violent past. Defendant did not lie about a prior speeding ticket or
5 other misdemeanor; he concealed the fact that he was a terrorist.
6 Defendant then engaged in a fraud scheme that resulted in multiple
7 felony convictions. And when confronted with his criminal history
8 and PLO membership, defendant continued to lie to law enforcement
9 officers, whitewashing his violent past and PLO membership.
10 Accordingly, defendant's sentence should reflect the seriousness of
11 defendant's conduct and his repeated and flagrant disregard for the
12 rule of law.

13 **D. History and Characteristics of the Defendant**

14 Defendant, a 51-year old, college-educated Jordanian citizen,
15 who has engaged in criminal conduct for most of his life. In his
16 20's and 30's, defendant committed numerous violent offenses in
17 Israel on behalf of a terrorist organization. Upon entering the
18 United States, Defendant made numerous false statements to USCIS,
19 eventually acquiring American citizenship through deception.
20 Defendant then engaged in a fraud scheme that resulted in multiple
21 felony convictions and made false statements to law enforcement
22 officers when confronted with his violent past.

23 Defendant is not the type of offender who should be granted
24 leniency. Defendant's criminal conduct was not an aberration. A
25 sentence at the high-end of defendant's advisory guidelines will
26 appropriately account for defendant's long and violent criminal
27 history.

1 **E. Need to Avoid Sentencing Disparities**

2 Section 3553(a)(6) is designed to avoid disparities in
3 sentences between any one defendant and other defendants in other
4 cases and in other districts. United States v. Saeteurn, 504 F.3d
5 1175, 1181-82 (9th Cir. 2007) (noting that the purpose of
6 "§ 3553(a)(6) was to promote national uniformity in sentencing
7 rather than uniformity among co-defendants in the same case").

8 The government's requested 16-month sentence is in line with
9 similar cases. In 2016, the Sixth Circuit considered a nearly
10 identical factual case and upheld an 18-month sentence for a § 1425
11 conviction based on false statements a defendant made in connection
12 with her naturalization application denying prior arrests,
13 convictions, or imprisonment, when in fact she was imprisoned in
14 Israel from 1969-70 for her role in a bombing of a supermarket and
15 the attempted bombing of a British Consulate and her membership in
16 the National Front for the Liberation of Palestine, a sub-group of
17 the PLO. United States v. Odeh, 815 F.3d 968, 983-4 (6th Cir.
18 2015); see also, United States v. Biheiri, 299 F. Supp. 2d 590, 610-
19 612 (E.D.V.A. January 21, 2004) (defendant received the maximum 12-
20 month sentence under the applicable guidelines for making false
21 statements in connection with his naturalization application to his
22 employment as a "banker and money handler" for the terrorist
23 organization, Hamas). By contrast, cases that resulted in low-end
24 sentences addressed factual situations where the defendant was not
25 found to have lied about engaging in violent acts. See e.g., United
26 States v. Damrah, 412 F.3d 618 (6th Cir. 2005) (affirming two
27 months' imprisonment and four months' home confinement sentence
28 following § 1425 conviction for defendant's false denial of his

1 association with the Palestinian Islamic Jihad - a group engaged in
2 terrorism - where it was not alleged that defendant participated in
3 violent acts himself). In all of these cases, as a statutory
4 consequence of their convictions, the defendant also were stripped
5 of their U.S. citizenship.

6 Defendant in this case engaged in serious, terrorist acts and
7 then concealed his conduct to gain immigration benefits. Defendant
8 should be judged by the same rigorous standard employed by other
9 courts to address similar facts.

10 **IV. CONCLUSION**

11 For the foregoing reasons, the government respectfully requests
12 that the Court sentence defendant to 16 months' imprisonment, a
13 three-year period of supervised release, and a \$100 special
14 assessment.

EXHIBIT A

7 5 1	01 2-3	17 4-5	שם היחידה סמל היחידה 14-17	שם היחידה 14-17	מס' הר"ם 241617088
לא גרשם מתעודת זהות — אורח חוץ			לא גרשם מתעודת זהות — אורח חוץ		

א. פרטי הנאשם: —

קוד	מס' הוזהות	שמות משפחה: גוכחי, נוסף, קודם	כינוי	שם המשפחה באותיות דפוס לשינויות
28-29	19-27	47 ← 30	59 ← 48	
שמות פרטיים: גוכחי, קודם, נוסף, כינוי	שמות האב: גוכחי, נוסף, קודם	שם האב	תאריך לידה	ש. עליה
74-60	89-75	99-90	104-109	102-103
המען: יישוב / עיר / רחוב / שכונה / מס' הבית				
מין / מצב משפחתי				
מקצוע / עיסוק				

לשימוש מעב"א	מס' הבית	רחוב	יישוב	מין	דת	ארץ לידה	אורחות	מקצוע II	מקצוע I
39-40	35-38	31-34	27-30	26	25	24	21-23	18-20	16-17

בחינה לציון מספר ספת	מס' היחידה	מס' הפ"א	תאריך העבירה	שנה חודש יום	פ"א	ת"ד	חטא
	48-51	52-59		42-47	4	5	3

לשימוש מעב"א

ב. פרטי ההאשמה: —

עבירה מספר	הואשם ב	שם החוק	נסיון	סעיפי החוק	מקור החוק	הסמל
1	הגנה באיגוף ארץ	378 נ 378	73	64-68	63	60-62
2	הגנה באיגוף ארץ	284 נ 284	87	78-82	77	74-76
3	הגנה באיגוף ארץ	378 נ 378	101	92-96	91	88-90
4	הגנה באיגוף ארץ	378 נ 378	115	106-110	105	102-104

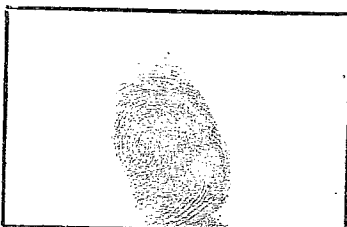
ג. הנאשם: 116 טור 1. ** הודעה □ 2. תורה חלקית □ 3. הכחיש □ 4. לא שיתף פעולה □

ד. * אופן גילוי העברת: — (על ידי) 117-120 (סמן × במשבצת המתאימה)

- 01 □ אדם שאינו שוטר (למעט הקורבן) 05 □ הודאתו של שותף לעבירה 09 □ יחידת גורר (פחונים)
- 02 □ קורבן מעשה העבירה 06 □ איש משטרה, מקרית 10 □ יחידת בילוש
- 03 □ תיאור מילולי של עדים 07 □ יח' סיור במארב, במחסום, בסריקה, וכ"י 11 □ זריעה שנתקבלה באמצעות עו"ם (לח"ם)
- 04 □ הסגיר את עצמו 08 □ יחידת חקירות כתוצאה מחקירה או כתוצאה מעיבוד מודיעיני

ה. המניע: ניקוב בעמודות 121-126

- 01 □ פעולות איבה 05 □ אהבה נכזבת 09 □ תוך ביצוע שור 13 □ תוך ביצוע צו ביהמ"ש 17 □ סכסוך עם מרואה 21 □ סכסוך משפחתי 25 □ על רקע פוליטי
- 02 □ מחלת נפש 06 □ כשלון נישואין 10 □ תוך ביצוע אונס 14 □ ת. עריכת דוח תעבי' 18 □ סכסוך שכנים 22 □ בריונות 26 □ נקמה
- 03 □ רצח מתוך רחמים 07 □ כבוד משפחה 11 □ ת.ב. עבירה אחרת 15 □ ת. ביצוע מעצר 19 □ סכסוך עדתי 23 □ בפיזור הפגנות 27 □ אחר (פרט)
- 04 □ קטאה 08 □ גאולת דם 12 □ ת.ב. הוצל"פ 16 □ סכסוך בין עבריינים 20 □ סכסוך מסחרי 24 □ בפיזור אסיפה



טביעת האצבע המצביעה של יד ימין של הנאשם (Right Forefinger)

אם אצבע יד ימין חסרה או פצועה, הטבע אחרת וצייין איזה

פרטי הרשום: 11/6/88
המספר: 11/6/88
הדרגה: 11/6/88

* ברשום מתעודת זהות חדשה, רשום בכל המשבצות.
** סמן × במשבצת המתאימה.

USA-MLAT-00000022

3004 ז' שרלז נ' 3004

ESS # 599449

DETAILS OF THE ACCUSED

7 5 1	0 1 2-3	1 7 4-5	Unit Code 4 3 5 4 14-17	Unit Name [Illegible] Ramallah	Criminal Record No. 2 4 6 7 3 8 8
18	<input type="checkbox"/> 1 Registered from the identification card <input type="checkbox"/> 2 Not registered from the identification card – foreign citizen <input type="checkbox"/> 3 Not a foreign citizen, specify the reason [he/she] was not registered from the identification card _____				

A. Details of the accused: -

Code 28-29	Identification No. 9 8 2 9 7 0 7 8 2 19 → 27	Family Names: Current, additional, prior Shqaire	Alias 30 → 47	Family name in Latin print letters 48 → 59
First Names: Present, prior, additional, alias Mohammad	Father's name: Present, additional, prior Khadr	Mother's name Fatehiya	Date of Birth 6 7	Immigration Year 102-103
60-74	75-89	90-99	104-109	Studies Year 1 4
Address: Settlement / City / Street / Neighborhood / House No. Kfar Ein 'Arik		Citizenship		Passport No. 110-127
Sex / Civil Status Male / Single	Religion Muslim	Country of Birth West Bank	Profession/Occupation	Additional Profession/Occupation

For Electronic Data Processing

25 4-5	Profession I 14-15	Profession II 16-17	Citizenship 18-20	Country of Birth 21-23	Religion 24	Sex 25	Settlement 26	Street 27-30	House No. 31-34	35-38	39-40
-----------	-----------------------	------------------------	----------------------	---------------------------	----------------	-----------	------------------	-----------------	--------------------	-------	-------

[Unknown abbreviations]	Day 41	Month 42-47	Year 8 5	Date of the Crime	Unit Code 4 3 5 4 48-51	Event Details No. 2 2 2 1 8 8 9 52-59	Check Digit	On the package note the voucher number.
-------------------------	-----------	----------------	-------------	-------------------	-------------------------------	---	-------------	---

B. Details of the Accusation: -

For Electronic Data Processing

Crime Number	Accused of:	Name of the Law	Attempt	Sections of Law		Source of the Law	Code
				Section	Section from Year		
1	Membership in a hostile organization	[III.] 378 of the Security Ordinance	<input type="checkbox"/>	5 3	(Illegible)	63	60-62
2	Training with a weapon and collecting information for an operation	[III.] 284 of the Security Ordinance	<input type="checkbox"/>	2		77	74-76
3	Disruption of the public peace	[III.] 378 of the Security Ordinance	<input type="checkbox"/>	8 8		91	88-90
4	Possession of a weapon and collecting information for an operation	[III.] 378 of the Security Ordinance	<input type="checkbox"/>	5 3	(Illegible)	105	102-104

C. **The Accused:** Row 116 **1. ☒ Admitted 2. ☐ Partially admitted 3. ☐ Denied 4. ☐ Did not cooperateD. ***Manner of discovery of the criminal:- (By)** 117-120 (Mark an X in the appropriate box)

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> 01 A person who is not an officer (except the victim) | <input type="checkbox"/> 05 Admission of participation in crime | <input type="checkbox"/> 09 Youth group (aware of surrounding) | <input type="checkbox"/> 12 Fingerprints |
| <input type="checkbox"/> 02 The victim of the criminal act | <input type="checkbox"/> 06 Police officer, incidental | <input type="checkbox"/> 10 Detective unit | <input type="checkbox"/> 13 Description |
| <input type="checkbox"/> 03 Witnesses' verbal description | <input type="checkbox"/> 07 Patrol unit during ambush, at a checkpoint, on patrol, etc. | <input type="checkbox"/> 11 Information received during an administrative appeal (administrative actions) or intelligence processing | <input type="checkbox"/> 14 Accessory to another forensic identification |
| <input type="checkbox"/> 04 Self volunteered | <input checked="" type="checkbox"/> 08 Investigative unit as a result of an investigation | | |

E. **The Motive:** Specified on pages 121-126

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> 01 Hostile act | <input type="checkbox"/> 08 Blood redemption | <input type="checkbox"/> 15 During an arrest | <input type="checkbox"/> 23 During the scattering of protests |
| <input type="checkbox"/> 02 Mental illness | <input type="checkbox"/> 09 While committing a robbery | <input type="checkbox"/> 16 Conflict between criminals | <input type="checkbox"/> 24 During the scattering of a gathering |
| <input type="checkbox"/> 03 Mercy killing | <input type="checkbox"/> 10 While committing a rape | <input type="checkbox"/> 17 Conflict with a prostitute | <input type="checkbox"/> 25 Political background |
| <input type="checkbox"/> 04 Jealousy | <input type="checkbox"/> 11 While committing another crime | <input type="checkbox"/> 18 Neighbor conflict | <input type="checkbox"/> 26 Revenge |
| <input type="checkbox"/> 05 Unrequited love | <input type="checkbox"/> 12 During the commission | <input type="checkbox"/> 19 Community conflict | <input type="checkbox"/> 27 Other (Specify) |
| <input type="checkbox"/> 06 Failed marriage | <input type="checkbox"/> 13 While executing a court order | <input type="checkbox"/> 20 Business conflict | |
| <input type="checkbox"/> 07 Family honor | <input type="checkbox"/> 14 During the issuance of a traffic ticket | <input type="checkbox"/> 21 Family conflict | |
| | | <input type="checkbox"/> 22 Hooliganism | |

Details of the Registrar: (Illegible) Sergeant (Illegible)

Number Rank



The index finger of the right hand (Right Forefinger)

If the right hand finger is missing or injured, take the print of another and note as such.

[Stamp: Israel Police (Cut off)]

Name

Date: 6 / 1 / 88

* When registering the new identification cards, write in all of the boxes.

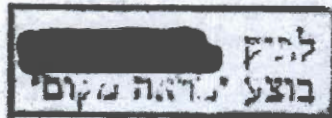
** Mark an X in the appropriate box.

(12.83) [Unknown] 3000x1000

Israel Police M 3004
USA-MLAT-00000027

EXHIBIT B

לישראל



הגנה

צבא

תיק ביהמ"ש:
תיק התביעה: 646/90 רמ"י
תיק פ"א: 2599/90

בבית המשפט הצבאי
רמאללה
ביהמ"ש הרכב

במשפט שבין התובע הצבאי הנאשם

- נ ג ד -

1. מחמד חדר מחמד שקיר ת.ז. 982970782 יליד 1967 תושב עין עריק, עצור מיום 11/5/90.

הנאשםכתב אישוםנאשם הנ"ל מואשם בזאת בכיצוע העבירות הבאותפרט ראשון

מהות העבירה: חברות ופעילות בהתאחדות בכתי מותרת, עבירה לפי תקנה 85 (1) (א) תקנות ההגנה (לשעת חרום) 1945.
פרטי העבירה: הנאשם הנ"ל בהיותו תושב האזור, החל משנת 1988 היה חבר בהתאחדות בכתי מותרת, דהיינו חבר בחולית ה"שב"בה" התומכת בארגון הפת"ח. הנאשם גוייס להתאחדות בכתי מותרת ע"י רמזי גמאל עטאללה שאה"ן.

פרט שני

מהות העבירה: פעילות נגד הסדר הציבורי, עבירה לפי סעיף 68 לצו בדבר הוראות בטחון תש"ל 1970 וסעיף 14 (א) לצו בדבר כללי האחריות לעבירה (מס. 225) תשכ"ח 1968.
פרטי העבירה: הנאשם הנ"ל בהיותו תושב האזור במהלך השנים 1988-1990 או בסמוך לכך, עשה מעשה שפגע או עכוכ היה לפגוע בשלום הציבור ובסדר הציבורי, דהיינו: הנאשם יחד עם אחרים במספר הזדמנויות, ידה אבנים לעבר סיורים של צה"ל, ובנוסף במהלך השנים 1988-1990, הנאשם השתתף בהתקהלויות בכתי מותרות וב"מצעדים צבאיים" מכפר עין עריק.

פרט שלישי

מהות העבירה: הסתה, עבירה לפי סעיף 7 לצו בדבר איסור פעולות הסתה ותעמוכה עוינות תשכ"ז 1967, וסעיף 14 (א) לצו בדבר כללי האחריות לעבירה (מס. 225) תשכ"ח 1968.
פרטי העבירה: הנאשם הנ"ל בהיותו תושב האזור, במהלך השנים 1988-1990 או בסמוך לכך, ניסה להשפיע על דעת הקהל באופן העכוכ לפגוע בשלום הציבור ובסדר הציבורי, דהיינו: הנאשם הנ"ל יחד עם אחרים הניף דגלי אש"ף בכפרו כתב סיסמאות בשם הפת"ח על קירות הכפר ופיזר כרוזים בשם הפת"ח בכפרו.

פרט רביעי

מהות העבירה: הנחת פצצה, עבירה לפי תקנה 58(ב) לתקנות ההגנה (לשעת חרום) 1945, וסעיף 14 (א) לצו בדבר כללי האחריות לעבירה (מס. 225) תשכ"ח 1968.
פרטי העבירה: הנאשם הניח בהיותו תושב האזור, בחודש דצמבר 1988 או בסמוך לכך, הניח פצצה מתוך כוונה לגרום מוות או חבלה לאדם ונזק לרכוש, דהיינו:
 בחודש דצמבר 1988 מגייסו של הנאשם הציע לנאשם לבצע פגוע ע"י הנחת מטען צד נגד אוטובוס ישראלי. הנאשם הסכים להצעת מגייסו ולשם כך הכין מטען חבלה המורכב מצינור זווית, ראשי גפרורים, חוטי חשמל, מנורה ובטריה.
 ביום 11 בדצמבר 1988 או בסמוך לכך בשעה 17:00, הנאשם יחד עם רמזי שאהין יצאו לכביש הראשי ליד כפר עין עריק, והניחו את מטען החבלה. הנאשם שימש כמתריע על בואו של אוטובוס ישראלי. הנאשם הודיע לרמזי שאהין שמגיע אוטובוס ואז הופעל מטען החבלה ונגרמה התפוצצות. לאוטובוס לא נגרם נזק.

פרט חמישי

מהות העבירה: פעילות נגד הסדר הציבורי, עבירה לפי סעיף 68 לצו בדבר הוראות בטחון תש"ל 1970 וסעיף 14 (א) לצו בדבר כללי האחריות לעבירה (מס. 225) תשכ"ח 1968.
פרטי העבירה: הנאשם הניח בהיותו תושב האזור עשה מעשים שפגעו או עלולים היו לפגוע בשלום הציבור ובסדר הציבורי, דהיינו:
 א. הנאשם הנ"ל, יחד עם אחרים בחודש אוקטובר 1988 או בסמוך לכך, במרכז כפר עין עריק, תקף, יחד עם אחרים את סמ"ח ענא, מפני שנחשד כמשתף פעולה עם השלטונות. הנאשם היכה את סמ"ח ואף סמ"ח נדקר בבטנו ע"י אחד המשתתפים בתקיפה. הנאשם שימש כמתריע על בואם של כוחות הבטחון.
 ב. הנאשם הנ"ל, בחודש נובמבר 1988 או בסמוך לכך, יחד עם אחרים, ידה אבנים לעבר מכוניתו של בנו של מוכתר צפא הנחשד כמשתף פעולה עם השלטונות, כתוצאה מכך נופצו שימשות המכונית.
 ג. בחודש מאי 1989 או בסמוך לכך, הנאשם הנ"ל ביחד עם אחרים, ידה אבנים לעבר רכבו של מחמוד גאבר תושב ראס כרכר, מפני שהוא נחשד כאדם המתנהג בצורה בלתי מוסרית. האבנים פגעו ברכבו ואף נופצו שישותיה של המכונית.
 ד. בחודש אוגוסט 1989 או בסמוך לכך הנאשם הנ"ל, יחד עם אחרים, ידה אבנים לעבר מכוניתו של אחמד אסייד שהוא סגן ראש עיריית רמאללה שהינו נחשד ע"י החוליה של הנאשם כמשתף פעולה עם "יהודים". האבנים פגעו בכל שמשות הרכב ונופצו.
 ה. בחודש ספטמבר 1990 או בסמוך לכך הנאשם הנ"ל יחד עם אחרים, החליט לתקוף את גמאל עליאן אל הנדי הנחשד כמשתף פעולה עם השלטונות. לשם כך הנאשם הגיע יחד עם אחרים לכפר נעמה וזיהו את גמאל אל הנדי נוסע במכוניתו.
 הנאשם יחד עם אחרים ידה אבנים לעבר רכבו של גמאל הנאשם ניסה להכות את גמאל רכבו של גמאל נפגע אך גמאל הצליח להימלט.

סרו
צבאי

דומניץ אייל
תובע

עדי תביעה

1. 93776-7 צוער מרדכי ועקנין, כח"ק יהודה, משטרת ישראל.
2. פרוטוקול הארכת מעצר מיום 27/5/90.

LSS T# 623501

[Redacted text]
Case [Redacted]
Carried out [illegible]

ISRAELI DEFENSE FORCES

In the Military Court
Ramallah
Panel Composition

Court Case:
Prosecution Case: 646/90 Ram.
Criminal Case: 2599/90

In the trial of the Military Prosecutor - the Accuser

- v e r s u s -

1. Muhammad Khadr Muhammad Shqaire, identification card 982970782, born in 1967, a resident of Ein 'Arik, in custody since 5/11/90.

The Accused

INDICTMENT

The above-named accused is hereby charged with committing the following offenses:

COUNT ONE

Type of offense: Membership and activity in an unlawful association, in violation of section 85 (1) (a) of the (Emergency) Defense Regulations of 1945.

Details of the offense: The above-mentioned accused, a resident of the region, since 1988, has been a member of an unlawful association, to wit: a member in a "Shabibah" cell, which supports the Fatah. The accused was recruited to the unlawful association by Ramzi Jamal Atallah Shahin.

COUNT TWO

Type of offense: Activity directed against public order, in violation of section 68 of the Order Regarding Security Provisions of 5730-1970 and section 14(a) of the Order Regarding Rules of Responsibility for an Offense (No. 225) 5728-1968.

Details of the offense: The above-mentioned accused, a resident of the region, in or about 1988-1990, committed an act that harmed or could harm the public wellbeing and public order, to wit: the accused, together with others, on a number of occasions, threw stones towards IDF [Israeli Defense Forces] patrols, and in addition, during the years 1988-1990, the accused participated in unlawful rallies and in "military marches" from the village of Ein 'Arik.

COUNT THREE

Type of offense: Incitement, in violation of section 7 of the Order Regarding the Prohibition of Acts of Incitement and Hostile Propaganda Activities 5727-1967 and section 14(a) of the Order Regarding Rules of Responsibility for an Offense (No. 225) 5728-1968.

Details of the offense: The above-mentioned accused, a resident of the region, in or about 1988-1990, tried to influence public opinion in a way that could harm public wellbeing and public order, to wit: the accused, together with others, flew PLO [Palestine Liberation Organization] flags in his village, wrote slogans in the name of Fatah on village walls, and distributed Fatah fliers in his village.

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings. (2) The numbers next to Orders and Laws indicate the corresponding years on the Hebrew and Gregorian calendars.

USA-MLAT-000500

LSS T# 623501

COUNT FOURType of offense:

Placing a bomb, in violation of section 58(b) of the (Emergency) Defense Regulations of 1945 and section 14(a) of the Order Regarding Rules of Responsibility for an Offense (No. 225) 5728-1968.

Details of the offense:

The above-mentioned accused, a resident of the region, in or about the month of December 1988, placed a bomb with the intent to cause death or harm to a person and damage to property, to wit: in the month of December 1988, the accused's recruiter offered to the accused to carry out a terror attack by deploying an IED [improvised explosive device] against an Israeli bus. The accused accepted the recruiter's offer and prepared an IED out of an elbow pipe, match heads, electrical wires, a bulb, and a battery.

On or about December 11, 1988, at 5:00 p.m., the accused, together with Ramzi Shahin went out to the main road next to the village of Ein 'Arik and placed the IED. The accused served as the lookout for the arrival of an Israeli bus. The accused notified Ramzi Shahin that a bus is arriving, the IED was activated, and an explosion followed. The bus was not damaged.

COUNT FIVEType of offense:

Activity directed against public order, in violation of section 68 of the Order Regarding Security Provisions of 5730-1970 and section 14(a) of the Order Regarding Rules of Responsibility for an Offense (No. 225) 5728-1968.

Details of the offense:

The above-mentioned accused, a resident of the region, committed acts that harmed or could harm the public wellbeing and public order, to wit:

- a. The above-named accused, together with others, in or about the month of October 1988, in the center of the village of Ein 'Arik, assaulted, together with others, Samih Anna because the latter was suspected of cooperating with the [Israeli] authorities. The accused beat up Samih and Samih was even stabbed in his stomach by one of the participants in the assault. The accused served as a lookout for the arrival of security forces.
- b. The above-named accused, together with others, in or about the month of November 1988, threw stones at the car of the son of the mayor of Saffa because he was suspected of cooperating with the [Israeli] authorities. As a result, the car windows were smashed.
- c. In or about the month of May 1989, the above-named accused, together with others, threw stones at the car of Mahmud Jabr, a resident of Ras Karkar because he was suspected of having behaved immorally. The stones hit his car and broke its windows.
- d. In or about the month of August 1989, the above-named accused, together with others, threw stones at the car of Ahmad Osayd, Deputy Mayor of Ramallah, who was suspected by the accused's cell of cooperating with "the Jews." The stones hit and smashed all of the car windows.
- e. In or about the month of September 1990, the above-named accused, together with others, decided to assault Jamal 'Alayyan al-Hindi, who was suspected of cooperating with the [Israeli] authorities. In order to accomplish this purpose, the accused, together with others, came to the village of Naama and recognized Jamal al-Hindi driving his car. The accused, together with others, threw stones at Jamal's car. The accused tried to hit Jamal. Jamal's car was damaged but Jamal himself managed to flee.

Ian Domnitz [Signature]
Military Prosecutor

Lieutenant

Witnesses for the prosecution

1. 93776-7 Officer in Training Mordecai Vaknin, Judea District, Israeli National Police.
2. Transcript of arrest extension dated May 27, 1990.

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings. (2) The numbers next to Orders and Laws indicate the corresponding years on the Hebrew and Gregorian calendars.

USA-MLAT-000501

EXHIBIT C



מספר תיק
1873/206/19

פבר

סיווג בטחוני

מחסי 56 יחיד 3 בית 2 דירה 30

זימון תיק
09/7964

4697/90 תיק מס'

משפט צבאי

תיק שיקוב
0

תאריך
08/06/17

מאיר. נופר

מקום מושבו

במשפט:-

תובע צבאי (הרכב מלא) - מאשי

נגד

נאשם/ים

שם משפחה	שם פרטי	מקצוע	כתובת	גיל
1	חבר	חבר	חבר	חבר
2				
3				
4				
5				
6				
7				
8				
9				
10				



ס' א. י. נ.

מס' אישי	דרגה	שם משפחה	שם פרטי	חיל	יחידה	תפקיד
נשיא						
תובע						

תאריך פסח"ד 93/10/10

גזר דין
10.3.10
93/5/90

פרטי אשמה
חבר בהתאמה
הסתה

LSS T# 623500 (Updated version of LSS T# 580631)

[Translator's note: Pages 1 is entirely in English, except for the stamp of which reads: K/7278583 Captain Adi Yaccobi, Military Prosecutor]

[Page 2]

[Barcode]			
File Number			
Warehouse	Street	House	Apartment
56	3	B/2 [ב]	30
File Marker			
09/7964			
Request No.	Date	Rehabilitation File	
201704232	06/08/17	0	
Name of Requestor: Meir, Nofer			
[Several illegible headings and entries]			

Panel
Security Classification

Case No. **4697/90****MILITARY COURT** [TEXT CUT OFF]

[TEXT CUT OFF] LOCATED IN: _____

IN THE TRIAL:-

The Military Prosecutor (Plenum) _____ - the accuser

against

THE ACCUSED

	FAMILY NAME	FIRST NAME	PROFESSION	ADDRESS	AGE
1	MUHAMMAD KHADR	MUHAMMAD	SHQAIRE	EIN 'ARIK	
2				[Illegible]	
3					
4					
5					
6					
7					
8					
9					
10					

SECURITY OFFICE
IDF ARCHIVES
AND SECURITY SYSTEM

Shipping Number 206/95
Case Number: 1873

Closed

	PERSONAL No.	RANK	FAMILY NAME	FIRST NAME	CORPS	UNIT	ROLE
CHAIRMAN							
PROSECUTOR							

DATE OF
JUDGMENT

10/23/91

DETAILS OF THE CHARGE

***Membership in an association
Incitement***

SENTENCE

10 years imprisonment

In custody since 5/11/90

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings.

(2) While the printed text is visible, many of the handwritten entries on the pages are illegible due to the quality of the copies provided for translation.

(3) Handwritten entries are shown as *italicized*.

USA-MLAT-000503

EXHIBIT D

בבית המשפט הצבאי
ראמללה .

בית ביהמ"ש 4697/90
תיק תביעה 646/90 רמ'
תיק פ.א. 2599/90

במשפט שבין התובע הצבאי - המאשים

נ ג ד

מוחמד חדר מוחמד שקיר
ת.ז (982970782) תושב עין עריק /ראמללה
ע"י ב"כ ע. גוזלן עו"ד
רח' אספהאני 15, ירושלים
טל: 894737 .

סכומים בכתב מטעם הסנגוריה

הסנגוריה מתכבדת להמציא סכומים בכתב לענין העונש בתיק זה, ולהלן פירוט הנסיבות והטענות:

(1) הנאשם מואשם בעבירה של חברות בשביבה מ 88 ובפעילות בכך שהוא השתתף בהתקהלויות בלתי מותרות ובמצעדים כמו כן בהסתה, הנפת דגלים וכתובות סיסמאות והפצת כרוזים . בנוסף לאמור הוא מואשם בעבירה של פעילות בפרט 5 ועקר פרטי האישום הוא פרט אישום רביעי שמהותו הנחת פצצה .

(2) בקשר לעבירות המיוחסות בפרטי האישום 1, 2, 3, 5 אבקש לציין שמדובר בעבירות של הפרות סדר, הנאשם לא היה היוזם והוא היה הנגרר וגם אותו דבר הוא המצב בקשר לפרט אישום 4 הנאשם גם במקרה זה היה נגרר ולא יוזם ותחת השפעת אחרים .

(3) בכל המקרים המתוארים בפרט אישום 5 הרכבים היו במצב חניה לענין סעיף א - אני מפנה להודעה עמוד 2 שורה 20 .
לענין סעיף ג - אני מפנה לעמוד 3 שורה 1 .
לענין סעיף ד - אני מפנה לעמוד 3 שורות 6,7 .
לענין סעיף ה - אני מפנה לעמוד 3 שורה 13 .
עצר את גמאל, נסינו להכותו אך הוא התגבר עלינו וברח)

(4) לענין פרט אישום 4 ,

- יש להתחשב בעובדות הבאות .
- א. איך לנאשם כל קשר לענין היצור של הפצצה .
- ב. הנאשם נתבקש ע"י מגיסו להשתתף בעבירה המתוארת בפרט רביעי ונאמר לו שהוא צריך ללהשתתף בביצוע כדי לנקות את שמו (ראה הודעת הנאשם עמוד 1 שורות 20, 21 , כמו כן ראה שורה 14 מאותו טמורד) .
- ג. התפקיד של הנאשם היה מרתיע .
- ד. לא נגרם כל נזק כתוצאה מן המעשה .

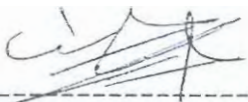
... (2)

(2)

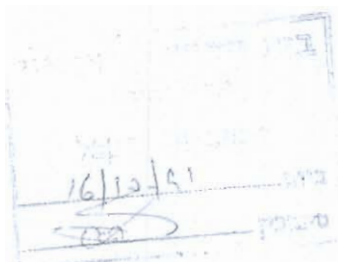
(5) רמת הענישה הראויה בתיק זה אפשר ללמוד ממספר של תקדימים שאני מבקש לציין ולצרף לסכומים :-

- א. ✓ תיק 4808/91 הנאשם קבל 7 שנים מזה 4 שנים בפועל . התיק הסתיים ב 26/9/91 בבית המשפט הצבאי בראמלה .
- ב. ✓ תיק 4750/91 הנאשם קבל 35 חודשים בפועל , התיק הסתיים ב 26/9/91 בבית המשפט הצבאי בראמלה
- ג. תיק 7837/89 נאשם מס' 1 היה היוזם האחראי, יצר יותר מ 20 מטענים מאולתרים וחלק גדול נמסרו לחוליות השונות, חברות, אימונים, זריקת פצצה, אי מניעת עבירה, נסיון לביצוע שרות, פעילות נגד הסדר הציבורי, פעילות נגד הסדר הציבורי. (התיק הסתיים בשכס) , הנאשם קבל 4½ שנים בפועל .
- ד. ✓ תיק 2284/91 הסתיים בחברון, הנאשם קבל 8 שנים מהם 5 בפועל .
- ה. ✓ תיק 2282/91 הסתיים בחברון, הנאשם קבל 3 שנים בפועל ושלוש שנים על - תנאי .
- ו. תיק 1057/91 הסתיים בחברון הנאשם קבל 8 שנים מזה 5 שנים בפועל .
- ז. תיק 1292/90 הנאשם קבל 4 שנות מאסר בפועל .
- ח. תיק 1171/90 הנאשם קבל 3 שנות מאסר בפועל, הסתיים בחברון .

לאור כל האמור אבקש להתחשב בנסיבות ובטענות ובתקדימים ולהקל בעונשו של הנאשם ובמידה במצבו בכפרו בשמועות שהיו נגדו בכפרו ושהשפיעו עליו .



 ע. גוזלך עו"ד
 ב"כ הנאשם



LSS T# 623500 (Updated version of LSS T# 580631)

[Page 4]

In the Military Court
Ramallah.

Court [Case]: 4697/90
Prosecution Case: 646/90 Ram.
Criminal Case: 2599/90

In a trial between the Military Prosecutor –the Accuser
-v e r s u s-
Muhammad Khadr Muhammad Shqaire
Identity Document (982970782), a resident of Ein ‘Arik/Ramallah
Represented by Counsel A. Gozlan, Esq.
Isfahani St. 15, Jerusalem
Tel.: 894737

Summaries in Writing by the Defense Counsel

The Defense Counsel respectfully submits written summaries regarding the punishment in this case; below is a detailing of the circumstances and arguments:-

- 1) The accused is charged with the offense of membership in “*Shabibah*” [‘Youth’ in Arabic] since ’88 and activities consisting of his participation in unlawful gatherings and marches as well as incitement, hanging of flags, writing of slogans, and distribution of leaflets. In addition to the aforementioned, he is charged with the offense of the activity in count 5, and the main part of the counts is the fourth count, the nature of which is the placement of a bomb.
- 2) Regarding the offenses attributed in counts 1, 2, 3, and 5, I would like to note that we are discussing the offenses of disturbance of public peace; the accused was not the initiator, he was drawn in [against his will], as is the same regarding count 4. In this case, the accused was also drawn in [against his will]; he was not the initiator; he was under the influence of others.
- 3) In all of the cases described in count 5, the cars were parked.
Regarding Section A – I refer to the statement, page 2, line 20.
Regarding Section C – I refer to page 3, line 1.
Regarding Section D – I refer to page 3, lines 6, 7.
Regarding Section E – I refer to page 3, line 13.
He stopped Jamal, we tried to beat him, but he
overcame us and fled.
- 4) Regarding Count 4
The following facts must be taken into consideration.
 - A. The accused has no connection to the matter of the production of the bomb.
 - B. The accused was requested by his recruiter to participate in the offense described in the fourth count and he was told that he needs to participate in its execution in order to clear his name (see: Statement of the Accused, page 1, lines 20, 21; see also: line 14 from the same page).
 - C. The role of the Accused was [someone who gives a warning (a lookout).]
 - D. No damage was caused as a result of the act.

... (2)

[Page 5]

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USA-MLAT-000505

LSS T# 623500 (Updated version of LSS T# 580631)

(2)

- 5) The level of the punishment appropriate for this case can be learned through a number of precedents that I would like to note and attach to the amounts:-
- A) Case 4808/91 The accused received 7 years, of which 4 years were imprisonment; the case was concluded on 9/26/91 in the Military Court in Ramallah.
 - B) Case 4750/91 The accused received 35 months imprisonment; the case was concluded on 9/26/91 in the Military Court in Ramallah.
 - C) Case 7837/89 Accused No. 1 was the responsible initiator, he produced more than 20 improvised detonators and a large portion of them were sent to different cells, membership, threats, throwing a bomb, failure to prevent an offense, attempting to provide assistance, an activity against the public order, an activity against the public order [sic].
(The case concluded in Nablus), the accused received 4½ years imprisonment.
 - D) Case 2284/91 Concluded in Hebron, the accused received 8 years, 5 of which were imprisonment.
 - E) Case 2282/91 Concluded in Hebron, the accused received 3 years imprisonment and 3 years on condition.
 - F) Case 1057/91 Concluded in Hebron, the accused received 8 years, 5 of which were imprisonment.
 - G) Case 1292/90 The accused received 4 years imprisonment.
 - H) Case 1171/90 The accused received 3 years imprisonment, concluded in Hebron.

In light of everything said, I will ask for your consideration regarding the circumstances and arguments as well as the precedents, and to lighten the Accused's punishment and especially due to his situation in his village and the rumors against him in his village and that they exerted influence upon him.

[Signature]

A. Gozlan, Esq.

Representative of the Accused

[Illegible stamp]

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USA-MLAT-000506

EXHIBIT E

פרוטוקול

4697,90

תיק מס'

מס'
הדף

בשם ציבור

הנאשם ממונה חשב ממונה שירות אי.ד. 1967

הנאשם 'בשם' של חברה להחלפת גז. זכורה

פסלון נגד הסג הסג הצילום, הסג והסג תל.סל

ס. יאס או סג נגד שירות פסלון נגד הסג

הצילום (פסלון חשב) אך סג של חשב חשב

איושם שתי ש' שפוט אסל

בשם מ. 4 אסל 99 התיים הסגל

חש' אסל לנש הנש אסל אסל אסל אסל

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מס'
הדף

תיק מס' / /

1. אלא רען כי הסתגלתי לזאת שיש לי חלום
2. למה הענינה לי היה האיש הזה
3. ובמה היתה פצצה ידעתי היתה חלום
4. בסימניו אפילו הלא צוהרתי בזה (היה)
5. סוף ו-4 (אסמאית חלום) לא נחש לא דומה לו
6. חשף לי הן אתן ואתן אל-3.1 בימי העידוד
7. בהם הוצגו העלם והורשע והם שלש ימים אחר
8. בשלוחי אפילו הדין.

9.
10. בסימניו לי הסתגלתי לי הוצג לי
11. להעלם לא היה חלום אלא הוצג לי אחרים
12. לפני נחש אפילו האיש הזה היה לפני
13. נחש לי שחלום לי העלם. כל שחלום נחש לאור
14. לי העלם שיש חלום ואלו נחש לי נחש.

15.
16. שיש אפילו האיש החלום לי חלום כי
17. שחלום לי חלום ואלו חלום העלם חלום
18.

19. בדיאלוג העלם החלום נחש 1988 ואלו
20. כל חלום חלום האיש. אין חלום בדיאלוג חלום
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מס'
הדף

תיק מס' / /

2. עם זאת לבנים רבים לא הוקדשו את התחלה.
הקשר שיש במסגרת זו ביאור של האוטוביוגרפיה והמשפט
הקשר של התוצאה של בוא האוטוביוגרפיה והפלא מהם
התחלה להתבונן את לא קרה נכון.

3. ציורם להתבונן הקשר במסגרת זו
מקרה אחר ברובד חמור מאוד של משפט סיפורי. מסיבותיו
של המשפט מתבונן והמסורה שבהרה ואחר המשפט
אחר לראות את צדד השליטה הקטנה. אין מוצא
במשפט חלקי פשוט.

אכן אחר האשט אחר לאו להקשר
למשפט במסגרת. אכן בקשר הסיפורי אין לראות זאת
קשה מזה. טיבה של הפעולה חיים אלא ממשפחה
היה למסגרת ואם הקשר קרה לכן את זמן כזה
אשר ממונה על מתנה הפעולה לאו (כמה של
הבין לראות הפעולה של. במסגרת זו ניתן
אשר למשפט משפט וסיכוי בפעולה. הקשר הבין הפעולה
לראות את הפעולה, הוא אשט הבין של התחלה הקשר
הכוח במשפט שלילי לכן ולא קשר את המשפט
אשר מסיבותיו באשר הפעולה אשט כי התוצאה "ההתחלה"
לא פועלה.

במשפט של הביטוי האחרון נוספה למשפט
הפעולה של זמן רבים המשפט למסגרת לא ניתן
לראות את המשפט זמן וכל פעולה. אכן כי לא
הפעולה של האוטוביוגרפיה הפעולה נוספים וכמה ממשפט זמן
של האוטוביוגרפיה למסגרת ואם את נקודה אחר המשפט
האוטוביוגרפיה היה הפעולה הפעולה משפט האוטוביוגרפיה
על נוספים ניתן למסגרת אשט אחר המשפט
הפעולה לאו אשט זמן. הקשר אחר אשט אשט.

הדר

תיק מס' / /

1. הרי שגלגל התורה כל היום היו חתומים. אך לא
2. נמצא כיצד אבנא שגלגל אבנא לא אבנא.

3.
4. או ניתן לומר שגלגל התורה לא יצא
5. אבנא אך ורק אחד רבנא חתומים. רב שגלגל אבנא
6. נמצא התורה היום נוסף ואילו בתורה אבנא
7. היום היה בסיסא לא שגלגל ר' הגלגל וחבירו אבנא
8. יצא אחד היום אבנא אבנא יצא יצא אבנא בן היום היום.
9.

10. הסתירה רבנא חתומים. בתורה אבנא אבנא
11. הגלגל, אך אבנא אבנא חתומים אבנא אבנא
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14. או רב היום אבנא חתומים אבנא חתומים
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16. אבנא חתומים.
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18. היום חתומים חתומים חתומים חתומים
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מס'
הדף

תיק מס' / /

המזלזל נקלע להסמך זה ופער פסג צין בהא
 1950 ה נאמר שכלם חמור. ענין כפסג.
 צין ומצאנו שנים לעת צונן. ענין רשתי נא
 כן שכלם להחיות נאמר פנימין כנס (באש 1988/2)
 חלקי האם נצטו נבדלים עם קוטר ואמית אחר
 עליו גיש דפדפמיה נסחיה או היתל ופער אלקי חלק.

אל הס'אר דבר אל ופער קצויים ענין
 חלקם (שמו ג'ניו נאמר) ואמיתו י נאמר אל היתל
 שנים אחר צין.

בת 19/5/74 לא יאמר אנש חורה א חלק
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בת 2284/8/1 יאמר אנש חלק חלק
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LSS T# 623508

[Illegible]

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Page Number

[Case No. 4697/90]

Sentence

The accused, Muhammad Khadr Muhammad Shqaire, born in 1967, was accused of the offenses of membership in a prohibited association, activity against the public order, incitement, placement of an explosive object; also attributed to him was section [illegible] regarding an activity against the public order (Count 5), however, this section includes five separate events, as detailed below.

In a hearing on Aug. 4, '91, the Defense Counsel, Atty. Gozlan, referenced the indictment and raised his comments regarding the fact that the vehicles were parked with [illegible] and also changed of the type of offense in Count 4 from placement of a bomb to placement of an explosive object.

[Illegible], the Prosecution stated that the Defense Counsel's comments, except those related to sub-section D of Count 5, were acceptable.

Following the Prosecutor's statement, the accused pleads guilty subsequent to the Prosecutor's statement, and he was convicted accordingly.

In a hearing on Oct. 16, '91, the two sides declared that [illegible] to punishment. The Prosecutor spoke orally whereas the Defense Counsel, [illegible], requested to submit his summaries in writing.

The Military Prosecutor referred, in his summaries, to a number of court judgments that demonstrate, in his opinion, the appropriate level of punishment to sentence our accused.

In his summaries, the Defense Counsel noted all of the justifications for [illegible] the accused's act. Before [illegible].

LSS T# 623508

[Illegible]

[]
Page Number[Case No. 4697/90]

Let us note that the Defense Counsel, Atty. Gozlan, who stands by the [belief] that the essence of the offense in Count 4 should be amended and that instead of 'placement of a bomb,' it should be 'placement of an explosive object,' which he justified in his summaries, [illegible], a bomb ([illegible] sections 1 and 4 of the summaries [illegible]) and this fact will not tip the scales in either direction, and in our case, the details of the offense to which the accused pled guilty and was convicted will guide our consideration for sentencing.

In his summaries, the Defense Counsel emphasized that the accused was not the initiator, rather he was brought in by others, without relating to Count 4, whereas the motive was to clear the accused's name, to the extent that it relates to an event where the accused was used as a lookout and did not cause any damage.

Regarding Count 5, the Defense Counsel stated that the cars were parked, and as such, the severity of the offense is less.

The accused's activities started in the year 1988, and since then, he acted continually within the framework of the organization. This is not a one time, opportunistic activity, rather, continuous and varied activities that consisted of incitement activity and even violent activity, including throwing stones at IDF [Israeli Defense Forces] patrols.

In Count 5, a number of different events were detailed, based upon this text of the indictment, [illegible] raised [illegible] and we have no choice but to express amazement as to why no damage was caused by this improper behavior.

The accused's activity described in Count 5 is of the highest order of severity. We accept the Defense Counsel's comments [illegible] the Prosecutor, with the exception of [illegible].

LSS T# 623508

[
Page Number][Case No. 4697/90]

He went with another person to the main road where the IED was placed; the accused served as a lookout for the arrival of a bus and the accused notified of the arrival of the bus; the IED was activated, which exploded, but it did not cause any damage.

It seems that the accused's participation in this terrorist attack places him at a very serious level of a terrorist act. The characteristics of the attack, its cleverness, and the target chosen, demonstrates that the accused adopted the catastrophic terrorist path. This is not a simple act of sabotage.

Indeed, from the indictment, one learns that the accused served as a lookout, however, within the scope of this case, this should not be seen as a circumstance that lighten the nature of the act; one of the participants must serve as a lookout, and if the accused was chosen as such, this teaches us nothing regarding his criminal intentions or whether he wanted to play an intellectual role in this act. At this time, it can be said that it begins with a crime and it ends with a crime. The accused committed [illegible] to participate in the terrorist attack. He prepared the explosive object, they placed it in a designated location, and did not leave the location until the act was committed as far as he was concerned, even if the desired result was not achieved.

There are additional serious aspects to this act. This is a terrorist attack along the main road that became their target. It cannot be [illegible] in each and every way. Even though the bus was not rented, if the bus was carrying passengers, and it is common for a bus to carry passengers, and even if we suppose, for the benefit of the accused, that the bus was empty of passengers, this was a bus that was traveling with a driver, one can imagine what might have happened as a result, had the accused's intentions been realized.

LSS T# 623508

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Page Number[Case No. 4697/90]

After all, in the rest of the cases, the vehicles were parked, but still, we are discussing throwing of stones that caused substantial damage.

We cannot say for certain that the accused was satisfied with throwing stones only towards parked cars. As we mentioned above, in one of the cases, the car was driving and in another case, the car was driving until it was stopped by the accused and his friends, and then they threw stones at the car, and even tried to harm the vehicle's driver.

The Defense Counsel, in his summaries, referred to the accused's statements for some reason, however, they were not submitted and they were not received as evidence, and as such, we cannot refer to them.

If the Defense Counsel wanted the Court to rely upon what is written in the statements, he would have had to submit them as evidence or instead, put the accused on the stand.

Avoiding placing the witness on the stand prevents the Court from referring both to the claim that the accused's participation in the terrorist attack, the subject of Count 4, was "to clean his name," and this is a claim that is heard for the first time in the Defense Counsel's summaries for the punishment. In the indictment, there is no reference to such. The Defense Counsel's comments regarding this Count was one and only: that we change the type of offense. What brings the well-versed Defense Counselor, Atty. Gozlan, to raise the subject of motive is not relevant to the matter of conviction [illegible] in the details of the offense, including [illegible] that the accused pled guilty and not only did he plead guilty, but that they are relevant acts in terms of the punishment.

Here, in the details of the offense, it is stated that the accused agreed to the request of his recruiter to carry out a terrorist attack by deploying an IED against an Israeli bus. The accused stated [illegible] prepared the IED and the time and date it would be set.

LSS T# 623508

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Page Number

[Case No. 4697/90]

The Prosecutor requested to rely upon a number of judgments in which the accused was sentenced to severe punishments. We have read those judgments and found them different from the essence of our case, in that, in those cases, damage was caused to life ([illegible] 102/88), in other cases, they were acts with other severe circumstances that include the recruitment of [illegible] in Syria or the placement of a number of IEDs.

The Defense Counsel referred to a number of precedents; we read some of them (which were available to us) and we found that [illegible] of the cases were different from our case.

In Case 4750/91, the accused was not charged with the placement of an explosive object, and Molotov cocktails were thrown at a store.

In Case 2284/91, the accused was charged with many serious offenses with an indictment adjusted in a substantial manner. The accused was still charged with serious offenses and as such, it is obvious to us, with due respect to the Military Court in Hebron, the sentence given to the accused is extremely light. We believe that we are not asking for a sentence that is not in accordance with the crime committed.

The circumstances of Case 2882/91 are different from those in our case, both in the essence of the offenses for which the accused was convicted, as well as the circumstances of [illegible] ([illegible]).

After we have weighed all of the circumstances, we hereby sentence the accused to ten consecutive years of imprisonment.

Notified today, 10/23/91, [illegible].

[Signature] [Signature] [Signature]

EXHIBIT F

סיווג בטחון

בית הדין

פרוטוקול

תיק מס' 531/91/8

מס' 5
הדףי"ו
ט"ז

המערך שבסניף הונסן בסורת צפונה שלטון
 חברות בינה פאזל נגד הספר הצבאי, כח
 שבמסגרת הוצאות יצא ולקח אצלו ספרים של צה"ל
 למנוס אכן נוסח בהתקדמות חלקי מוקדתי (ימאצקי)
 צבאיים "ב" בהסתר, בחיפוש יחיד אצל הכסא
 לבחירת טמלואר ופינוי בצורה נאמרת תסתה.
 למינהת תלן פל בהכנו להחיותם ומה אור הונסן
 בשלש כמנוכס על מנת אורפס לוחי להסגל הורשתי
 אכן הכסא הוחמש על ידי הפאזל נגד נוספר הצבאי הכוללת
 נאמלה אנקית לניהל של הכסא ואולי לקנה על ותריה
 רחשבים במשפחתוה עמ נישא אורף.
 בהן משגל ואלו נאמנו על המערך סולטון מאמכר חילוי
 כפסל נאמנו צה לענה כנא חומרת חאנש
 בהחיותו אכילה בעונשם המערך שסן בפניו
 בימש קמל נונקס או לחיפושין לא יתחייב וכו' חומרת
 של המעלם, שכן חוקנו ~~החברות~~ של נאמל ואלו חתן
 חמכתי שלטון נוספר הצבאי, נאמל החבורה
 פחמורה ינש של נחמה כנל, אצו למסג פאכיות החומרת
 חמקניש אכיל חאנש נאמל כפוס שכן באמנות של
 בחומרת להפן אין מה סימן של אמל, ואז-אל הכסא
 לא נאמל כאלו אכיל שחל.
 אצו חוקני כסמנר למהות המערך למנוכס חאנש
 אצו אסר נוספס נאמל אצו חאנש ינש אכיל.



סיווג בטחון

בית הדין

פרוטוקול

מס'
הדף

6

תיק מס' 531 / 91 / 8

[illegible]

06-1 (001XT)

בית הדין

531, 91, 8 תיק מס'

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LSS T# 623500 (Updated version of LSS T# 580631)

[Pages 7 through 15] Translator's note: Due to the handwriting and quality of the copy provided for translation, the majority of the handwritten pages are illegible and in many cases, complete sentences cannot be formed. These pages include procedural notes, often times requesting the postponement of hearings.

[Pages 15-20] Translator's note: Judgment. Will be issued in a separate translation.

[Page 21 – Summary translation]

[]
Security Classification

Court of

MINUTES

Page No. 5

Case Number 531 / 91 / 'A [y]

Judgment

The Appellant before us was convicted in a series of offenses concerning membership in Fatah, activities against the public peace, in that on a number of occasions, he threw stones toward IDF [Israeli Defense Forces] patrols and, in addition, participated in illegal gatherings and military parades, incitement, hanging of [illegible] flags in his village and writing of slogans and distributing flyers belonging to Fatah and the placement of an explosive package and in the preparation and placement of the package [with another person] and that he was used as someone who gave a warning [a lookout] in order to notify when to activate the explosive package and indeed, in the fifth charge, an activity against the public order, consisting of five separate events of beating and throwing stones on others suspected of cooperating with the [Israeli] authorities.

Because of his actions, the Appellant was sentenced to 10 years imprisonment, and this appeal is against the seriousness of the punishment.

In his petition to lighten the punishment of the Appellant, his Defense Counsel claimed before us that the lower court neglected to, or instead did not properly evaluate, the seriousness of the actions, indeed, the main part of the indictment consists of the offenses of disturbing the public peace, as well as the more serious offense of placing the explosive; this is not the type of serious offenses for which one must sentence such heavy penalties, indeed, every [several words illegible] which does not represent a real risk, despite the fact that its detonation did not cause any damage to the car [illegible].

The Defense Counsel also requested that the Appellant be brought to trial as someone who only gave a warning, that he was influenced, and brought into the action [against his will] by another individual.

Form 3670 Military Catalogue 441172036

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings.

(2) While the printed text is visible, many of the handwritten entries on the pages are illegible due to the quality of the copies provided for translation.

(3) Handwritten entries are shown as *italicized*.

USA-MLAT-000508

LSS T# 623500 (Updated version of LSS T# 580631)

[Page 22 – Summary translation]

[]
Security Classification

Court of

MINUTES

Page No. 6

Case Number 531 / 91 / 'A [ע]

The Defense Counsel also claimed that the lower court disregarded his clean past, his admission of guilt, the fact that the accused committed the offenses in the year '88 and in fact, three years passed before he was brought to trial.

Indeed, also, the lower court, according to the Defense Counsel's claim, did not set the [illegible] of the time period of the imprisonment to which the accused was sentenced as conditional imprisonment. In response to the appeal, the Prosecutor requested to adjourn the appeal and this, in pointing to the excessive severity of the offense described in the fourth indictment, which is the placement of the explosive material, and emphasized the Appellant's role as someone who gave a warning, that his role [was] to notify of the moment when an Israeli car, which would be used as the target of an attack, would pass by; indeed, the Prosecutor stated before us that even if [illegible] was to sentence a punishment of conditional imprisonment, that it must be added to the punishment of imprisonment to which the Appellant was sentenced.

We have weighed all of the circumstances, and indeed we have found that the lower court made matters worse on the Appellant by sentencing him to 10 years of imprisonment; we have found that the lower court indeed did not give the appropriate consideration for the duration of time that has passed from the date on which the offense took place and until he was brought to trial for the fact; that indeed, the placement of the explosive constitutes an exception to the Appellant's general activities, which is severe in and of itself, but at its heart, is constitutes the offense of disturbance of the peace, and as such, sentencing him to a punishment of such a long period of time without [illegible] for an offense that does not give the Appellant the possibility to prove himself that he indeed learned the appropriate lesson from his time in imprisonment to which he was sentenced; indeed, there are additional circumstances to the credit of the accused as well as his clean past, his admission of guilt, and the fact that he was not the initiator of the activity of the placement of the explosive.

Form 3670 Military Catalogue 441172036

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings.

(2) While the printed text is visible, many of the handwritten entries on the pages are illegible due to the quality of the copies provided for translation.

(3) Handwritten entries are shown as *italicized*.

USA-MLAT-000509

LSS T# 623500 (Updated version of LSS T# 580631)

[Page 23 – Summary translation]

[]
Security Classification

Court of

MINUTES

Page No. -7-

Case Number 531 / 91 / 'A [ט]

As such, we have ruled to accept the appeal and to sentence the Appellant to 10 years imprisonment, of which 7 of those years shall be imprisonment, and the remainder shall be on condition for 5 years from the day of his release. The condition is that the Appellant shall not commit offenses similar to those for which he was convicted in this case.

Issued and notified publically and in the presence of both parties. Today, 8.31.92.

[Signature]

Judge

[Signature]

Presiding Judge

[Signature]

Judge

Form 3670 Military Catalogue 441172036

Translator's notes: (1) Names transliterated from Hebrew into English may have alternate spellings.
 (2) While the printed text is visible, many of the handwritten entries on the pages are illegible due to the quality of the copies provided for translation.
 (3) Handwritten entries are shown as *italicized*.

USA-MLAT-000510

EXHIBIT G



שירות בתי הסוהר
בית סוהר: 999
לא פעיל

אישור על שחרור אסיר מבית סוהר



הופק ביום: 27/10/13

פתחיה
שם אם

חדר
שם אב

מחמד
שם פרטי

שקיר
שם משפחה

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מספר זהות

1031118 1
מספר אסיר

הרינו לאשר כי האסיר שפרטיו מצוינים לעיל שהה בבית הסוהר ושחרר ממנו כחוק
בהתאם לפקודות כמפורט להלן:

תאריך שחרור אחרון:

4/5/94

הערות:

רישום מחלקת האסיר

חתימה וחותמת

ק כ כ 1 3

תפקיד המאשר

שם המאשר

מספר כניסה	תאריך כניסה לשב"ס	תאריך התחלה	תאריך שחרור	סיבת שחרור	בית סוהר	תקופת נדונות
1	11.5.1990	11.5.1990	4.5.1994	שחרור מוקדם מיוחד ע"י	תברון-ישן	07-00-0000
- סוף הרשימה -						

למשלוח לבי. קבלת סותק נוסף של אישור שהיה
תחויב בתשלום אגרה.

LSS T# 623502

[Logo: Israel Prison Service]
 Israel Prison Service
 Prison: **999**
 Inactive

**Verification of Inmate's Release
 from Prison**

[Barcode]
 Issued on: 10/27/13

1031118 1
 Inmate No.

98297078 2
 Identification No.

Shqaire
 Family Name

Muhammad
 First Name

Khadr
 Father's Name

Fathiyya
 Mother's Name

We hereby confirm that the inmate whose information is listed above has stayed in the prison and was duly released pursuant to the order as detailed below:

Date of last release: 5/4/94

Remarks: _____

Respectfully,
Heftziba Tsfaty
 Verifier's Name

Information Officer
 Verifier's Title

Inmate Department Record
 [Signature]
 Signature and Stamp

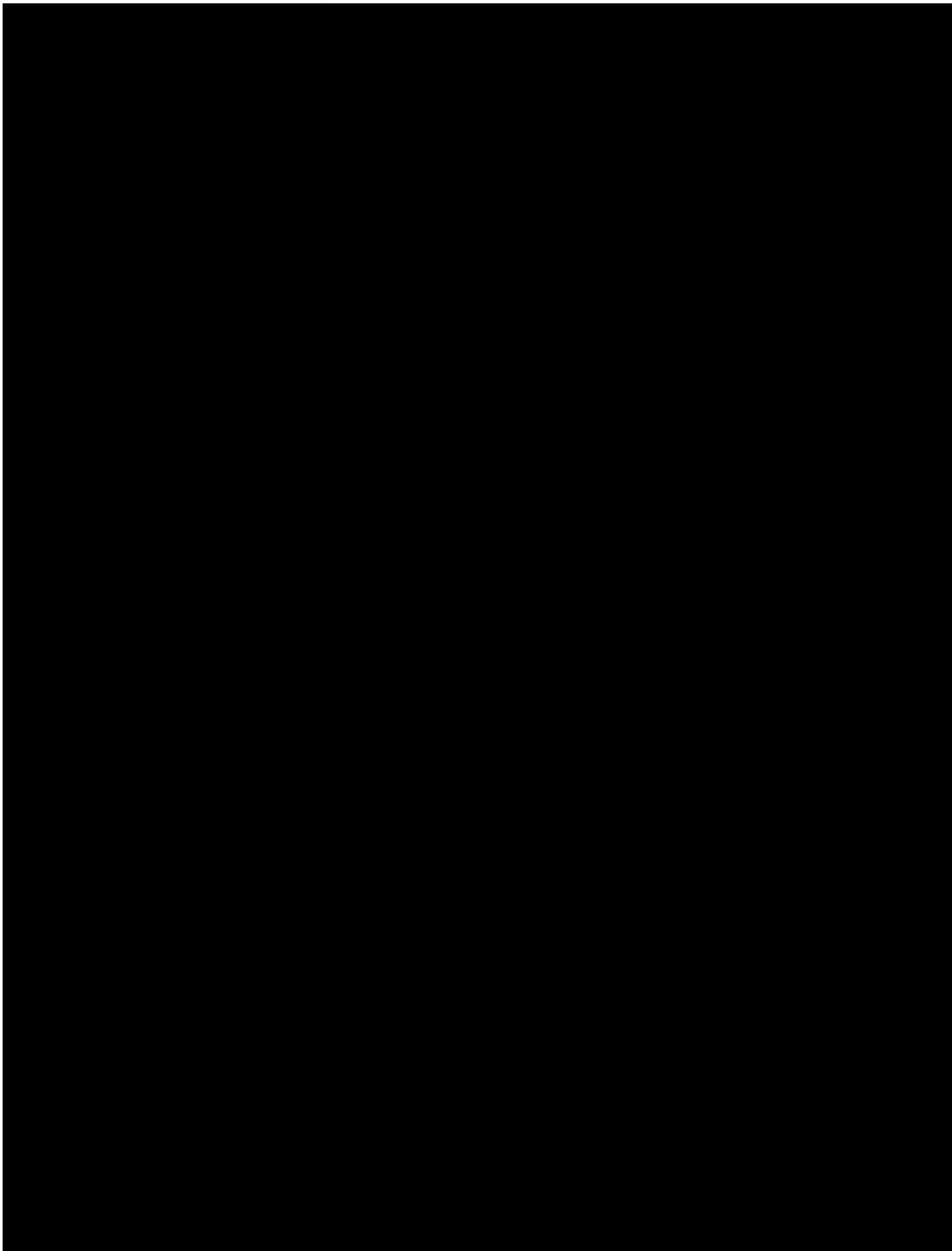
Admission Number	Date Admitted to Prison Service	Starting Date	Release Date	Reason for Release	Prison	Sentence Period
1	5.11.1990	5.11.1990	5.4.1994	Special Early Release by	Hebron-Old	07-00-0000

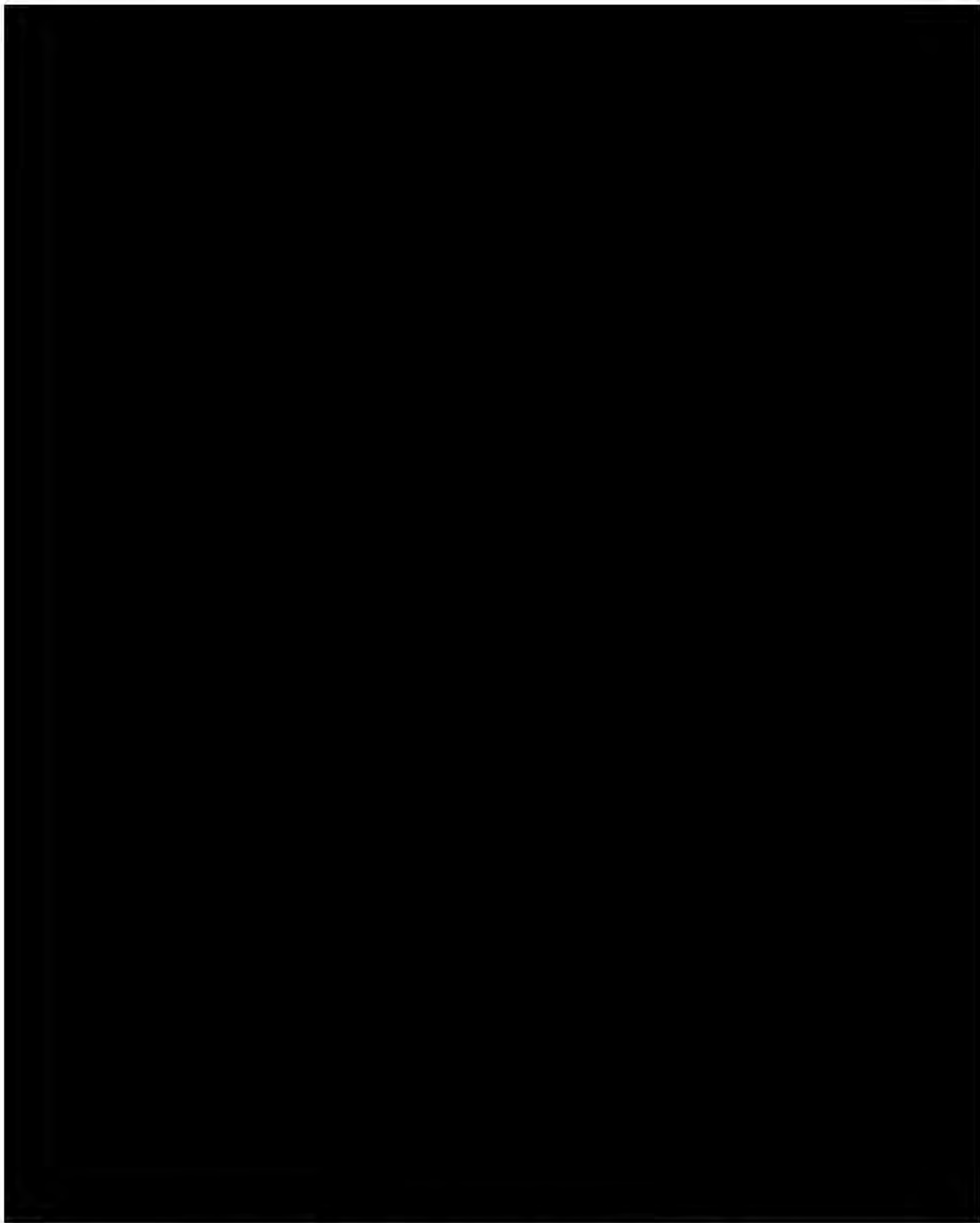
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Form 602

Please note, fees will be charged for obtaining an additional copy of the stay verification.

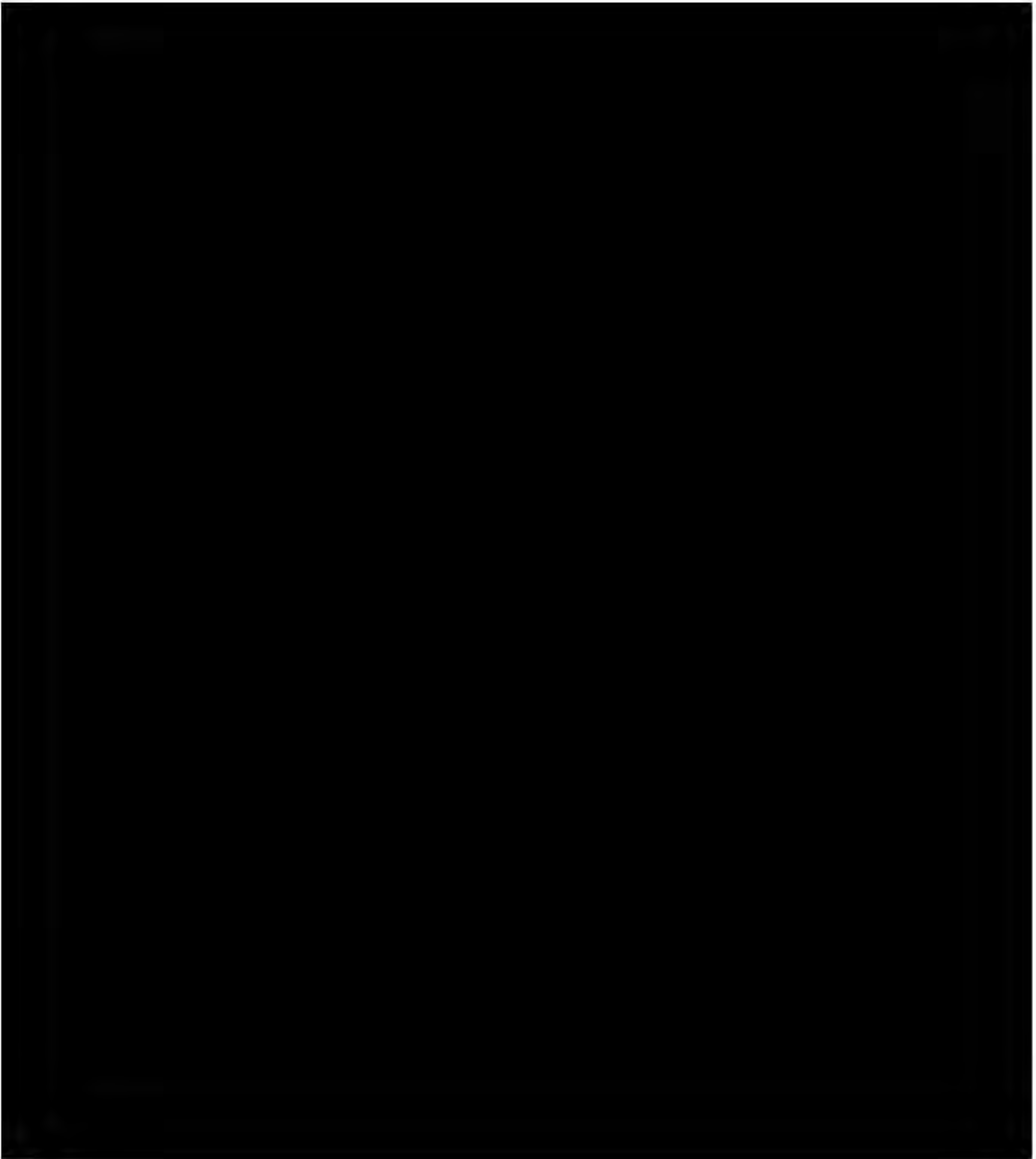
EXHIBIT H





¹ <https://www.amazon.com/Hamas-Politics-Charity-Terrorism-Service/dp/0300122586>

² <https://www.washingtoninstitute.org/policy-analysis/view/negotiating-under-fire-preserving-peace-talks-in-the-face-of-terror-attacks>



³ See Sixth Circuit Court of Appeals ruling in *US v. Damrah*, at <http://ftp.resource.org/courts.gov/c/F3/412/412.F3d.618.04-4216.html>

⁴ See SCOTUS opinion in *Humanitarian Law Project et al v. Holder et al*, Pp25-26, at <http://www.supremecourt.gov/opinions/09pdf/08-1498.pdf>



I am being compensated at a rate of \$550.00 per hour for my work on this case. My opinions are my own, however, and I am compensated for my time whatever my opinions may be.

III. Brief history of the PLO, Fatah, the Shabiba Movement, and the Palestinian-Israeli Conflict until 2000

Since the United Nations voted in favor of establishing parallel Jewish and Palestinian states, and the founding of Israel in 1948, several Arab states and Palestinian groups have fought Israel and rejected its right to exist.

Founded in 1964, the Palestine Liberation Organization (PLO) was created by the Arab League, led by Egypt.⁵ The Palestinian National Charter would be edited and then finalized at the 1968 meeting of the Palestinian National Council (PNC) meeting, in Cairo. Article 9 of the Charter states: "Armed struggle is the only way to liberate Palestine. This is the overall strategy, not merely a tactical phase. The Palestinian Arab people assert their absolute determination and firm resolution to continue their armed struggle and to work for an armed popular revolution for the liberation of their country and their return to it. They also assert their right to normal life in Palestine and to exercise their right to self-determination and sovereignty over it."⁶ Subsequent articles identify the PLO as the entity responsible for the "Palestinian revolutionary struggle," including the military "armed struggle."

Article 25: For the realization of the goals of this Charter and its principles, the Palestine Liberation Organization will perform its role in the liberation of Palestine in accordance with the Constitution of this Organization.

Article 26: The Palestine Liberation Organization, representative of the Palestinian revolutionary forces, is responsible for the Palestinian Arab people's movement in its struggle - to retrieve its homeland, liberate and return to it and exercise the right to self-determination in it - in all military, political, and financial fields and also for whatever may be required by the Palestine case on the inter-Arab and international levels.⁷

Various sources say Arafat was born to a Palestinian family in Cairo or the Gaza Strip or Jerusalem, in either 1928 or 1929. His birth name was Abdel Rachman Abdel Rauf Arafat al-Qudwah al-Husseini, but he was known to the world as Yasser Arafat. He studied engineering at Cairo's Fuad I University, and became active in a Palestinian student's organization—The General Union of Palestinian Students (GUPS)—which elected him president in 1952. It was at this time that Arafat and some of his closest associates first publicly espoused the idea of a movement "an independent Palestine liberation movement." Arrested in Egypt in 1956 or 1957 for political agitation, Arafat spend a few months in jail and then left for Kuwait. It was in Kuwait, in 1959, that Yasser Arafat and several other Palestinians founded Fatah, or The Palestine National Liberation Movement.⁸

Originally led by committee (or general command), by 1968 Fatah's central committee

⁵ William B. Quandt, Fuad Jabber, Ann Mosely Lesch, *The Politics of Palestinian Nationalism* (University of California Press, 1973), 50

⁶ The Palestinian National Charter: Resolutions of the Palestine National Council, July 1-17, 1968, http://avalon.law.yale.edu/20th_century/plocov.asp

⁷ The Palestinian National Charter: Resolutions of the Palestine National Council, July 1-17, 1968, http://avalon.law.yale.edu/20th_century/plocov.asp

⁸ Neil C. Livingstone and David Halevy, *Inside the PLO* (New York: William Morrow & Co, 1990), 62-66

appointed Arafat the official “spokesman and representative” of Fatah.⁹ By October 1968, CIA reporting referred to Arafat as “the supreme commander and official spokesman” of the Fatah general command.¹⁰ Over time, by virtue of leading the largest and most significant of the PLO constituent groups, Arafat also became Chairman of the PLO.

In the wake of Israel’s military victory in the 1967 Six Day War, in which it conquered the West Bank, East Jerusalem, Gaza Strip and Golan Heights,¹¹ the Arab-Israeli conflict began to shift away from a solely state-to-state conflict to one also involving sub-state actors engaging in acts of terrorism¹² targeting both military and civilian targets. The PLO first began carrying out attacks targeting Israelis—both civilians and security forces—in the form of cross-border raids from Jordan, where the group had set down roots. Israeli retaliatory raids made such operations more difficult, but it was the events of 1970-1971, when the PLO engaged in a pitched battle with the Jordanian Army in what became known as “Black September,” that eventually led to the PLO’s expulsion from Jordan.¹³ It was the 1970 hijacking of four airplanes to Dawson’s Field in Jordan by the PFLP—a PLO member—that was a turning point in the relationship between the Jordanian government and the PLO militant groups then resident in Jordan and led to the Jordanian crackdown on the PLO. The PLO’s Black September Organization (BSO) would draw recruits from embittered ranks of PLO constituent organizations that felt their groups were not engaging in enough militant operations, including operatives from Fatah and the PFLP. The effect was that “operationally, Fatah and elements of the Popular Front—differences were buried temporarily—came together in the planning and execution of a series of bloody terrorist coups that would in the minds of many in the West associate Arafat and the PLO leadership with violence and mayhem on a grand scale.”¹⁴ In 1972, PLO terrorists from Fatah calling themselves “Black September” attacked Israeli athletes at the Munich Olympics.

The U.S. government has long described the militant activities of Fatah and the PLO as terrorism. For example, note a now-declassified note for inclusion in the President’s Daily Brief (PDB) for 18 February 1969 explicitly ties Fatah and other PLO groups to acts of terrorism. In the “Middle East” section of the memorandum entitled “Major Problems,” the PDB note reads as follows:

Three of the Arab guerrilla organizations, including Al Fatah, announced today formation of a joint military command. Notable for its absence from the combine, however, was the Popular Front for the Liberation of Palestine (PFLP)¹⁵ which quickly accepted responsibility for

⁹ Neil C. Livingstone and David Halevy, *Inside the PLO* (New York: William Morrow & Co, 1990), 64-68

¹⁰ “Anti-Israeli Arab Terrorist Organizations,” Weekly Summary Special Report, Directorate of Intelligence, Central Intelligence Agency, 4 October 1968, <https://www.cia.gov/library/readingroom/docs/CIA-RDP79-00927A006700010003-7.pdf>

¹¹ <https://history.state.gov/milestones/1961-1968/arab-israeli-war-1967>

¹² For the purpose of this report, the statutory definition of the term “terrorism” is being employed per 18 USC 2331, <https://www.law.cornell.edu/uscode/text/18/2331>

¹³ http://news.bbc.co.uk/1/hi/datestoday/17/datestories/september/17/newsid_4575000/4575159.stm

¹⁴ Andrew Gowers and Tony Walker, *Arafat: The Biography* (London: Virgin, 2003), p. 120

¹⁵ The PFLP is a U.S.-designated Foreign Terrorist Organization that combines Arab nationalism and a Marxist-Leninist ideology. In the 1970s the group fostered relationships with other left wing terrorist groups like German’s Baader Meinhof gang and Japan’s Red Army. The group is best known for hijacking airplanes around the world. It was the second largest component element of the PLO after Fatah. See, for example,

yesterday's attack on an El Al airliner in Zurich as well as the hijacking of an El Al plane last summer and the attack on an El Al craft in Athens in December. The PFLP reportedly stayed out because it did not want to give up independent political action.¹⁶

Consider also a sampling of attacks tied to the PLO and its constituent groups, including Fatah/BSO¹⁷, which were included in a long list from a now-declassified CIA Memorandum entitled, "Chronologies of Significant Fedayeen and Non-Fedayeen Terrorist Incidents, 1 January 1968 – 15 October 1973."¹⁸

18 February 1969	PFLP Attacked El Al plan at Zurich, crew member wounded; one terrorist killed
25 February 1969	PFLP claims responsibility for bomb which exploded at British Consulate Jerusalem
28 August 1969	PFLP hijacked TWA plane; Israeli passengers detained in Damascus
27 November 1969	PFLP terrorists bombed El Al office in Athens; killed one and wounded 13 others
21 February 1970	PFLP sabotaged Swissair plane en route to Tel Aviv crashed on take-off killing all 47 passengers, including 15 Israelis
21 February 1970	PFLP bomb exploded in Austrian plane carrying mail to Tel Aviv; no casualties
8 June 1970	Morris Draper, US diplomat kidnapped by PFLP in Amman, Jordan
10 June 1970	Major Robert Perry, US Military Officer, assassinated by PFLP in Amman, Jordan
6 September 1970	PFLP hijacked a Pan Am 747, a TWA 707 and a Swissair DC-8. The 747 was blown up in Cairo, the 707 and DC-8 were blown up in Jordan
24 August 1971	Bomb places by Fatah damaged Jordanian Alia airliner in Madrid
28 November 1971	Black September Organization (BSO) members assassinated Jordanian Prime Minister Wasfi Tal in Cairo
8 May 1972	BSO hijacked Sabena plane to Lod Airport, Israel. Israeli security forces killed 3 hijackers; passengers freed.
30 May 1972	Japanese terrorists from Red Army Faction, collaborating with PFLP, attacked passengers at Lod Airport; 28 killed, 78 wounded
5 September 1972	BSO terrorists killed 11 members of Israeli Olympic team at Munich
3 November 1972	A French girl, identified as a member of the PFLP, was killed in Amman, Jordan, while handling a bomb. Police reported she had intended to place the bomb in the US Embassy in Amman

<https://www.bbc.com/news/world-middle-east-30099510> and the section on Terrorism Groups in "Country Reports on Terrorism 2004," U.S. Department of State, April 27, 2005, <https://www.state.gov/j/ct/rls/crt/45394.htm>

¹⁶ "Late Note for the President's Daily Brief of 18 February 1969," CIA, 19 February, 1969,

https://www.cia.gov/library/readingroom/docs/DOC_0005976624.pdf

¹⁷ The Black September Organization was a covert terrorist wing of Fatah founded in the wake of the September 1970 defeat of that the PLO and Fatah suffered in battles with Jordanian forces who forced them out of Jordan. BSO was effectively a covert arm of Fatah's intelligence department, Jihad el-Razd. Fatah would carry out terrorist attacks using the name BSO in the 1970s. See Neil C. Livingstone and David Halevy, *Inside the PLO* (New York: William Morrow & Co, 1990), 103-106, and Daniel Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (Oxford: Oxford University Press, 2011), 45-49

¹⁸ "Chronologies of Significant Fedayeen and Non-Fedayeen Terrorist Incidents, 1 January 1968 – 15 October 1973," CIA Memorandum, https://www.cia.gov/library/readingroom/docs/DOC_0005764836.pdf

The 1973 Arab-Israeli war (Yom Kippur war) prompted greater American involvement in the region and in pursuit of Middle East peace. Secretary of State Henry Kissinger's shuttle diplomacy helped negotiate a ceasefire to end that war and ultimately led to an Israeli-Egyptian peace treaty six years later.

In the meantime, the PLO would next set up shop after Jordan in Lebanon, along Israel's northern border, where it would once more set up a de facto state within a state. In 1974, the Arab League met in Rabat, Morocco, and crowned the PLO as "the sole legitimate representative of the Palestinian people."¹⁹ As the PLO set up terrorist bases in the south of Lebanon, the Lebanese civil war erupted in 1975. Syrian troops enter the war in Lebanon in 1976, ultimately siding with the PLO against Christian and other militias. PLO attacks targeting Israel continued around the world and from across the Lebanese border. Even as Israeli-Egyptian negotiations were underway, including provisions relating to the Palestinians, PLO terrorists continued to carry out attacks targeting Israeli civilians. In March 1978, for example, Fatah terrorists came from Lebanon on boats came ashore on a beach near Tel Aviv and made their way to a major highway. After shooting at passing vehicles, they hijacked a bus. In the end, thirty-eight civilians were killed, including one American and thirteen children, and another seventy-one people were injured in what became known in Israel as "the coastal massacre."²⁰ All told, according to a RAND study published in 1980, Palestinian terrorist groups carried out 6,839 terrorist operations (including 3,158 targeting civilians) from June 1967 through December 1978.²¹

In 1982, following the attempted assassination of the Israeli ambassador in London, Israel carried out strikes targeting PLO targets in Lebanon. The PLO ultimately surrendered and an evacuation was negotiated allowing the PLO to board boats leaving Lebanon. The group would next set up its headquarters in Tunis, Tunisia, but its evacuated members would be scattered around the Arab world. Over time, several Palestinian groups would break with both the PLO and Fatah, sometimes leading to both Palestinian and Arab internecine violence. Throughout the 1980 and into the 1990s, the PLO and Fatah—under Arafat's leadership—would continue to follow a well-worn two-track policy of warily probing for a diplomatic solution to the Palestinian-Israeli conflict while still carrying out terrorist operations against Israel. Some of these attacks would be well-known, such as the 1985 hijacking of the *Achille Lauro* and the brutal murder of the wheelchair-bound American citizen Leon Klinghoffer by the Palestine Liberation Front.²² Many other, less spectacular attacks—especially those that were foiled or failed of their own accord—would garner far less attention.

The grassroots uprising that became known as the First Intifada broke out in December

¹⁹ <https://www.un.org/unispal/document/plo-sole-legitimate-representative-of-the-palestinian-people-las-rabat-summit-resolution/>

²⁰ "32nd Anniversary of the Coastal Massacre," Israel Ministry of Foreign Affairs, 11 March 2010, http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/32nd_anniversary_coastal_massacre_11-Mar-2010.aspx; "President Carter and the Role of Intelligence in the Camp David Accords," Central Intelligence Agency Historical Collections, Presidential Series, 2013 https://www.cia.gov/library/publications/international-relations/president-carter-and-the-camp-david-accords/Carter_CampDavid_Pub.pdf

²¹ Hanan Alon, "Countering Palestinian Terrorism in Israel: Toward a Policy of Analysis of Countermeasures," RAND, August 1980, 43, 56 <https://www.rand.org/content/dam/rand/pubs/notes/2007/N1567.pdf>

²² See Michael K. Bohn, *The Achille Lauro Hijacking: Lessons in the Politics and Prejudice of Terrorism* (Washington DC: Brassey's, 2004)

1987, leading to a combination of Palestinian nonviolent resistance (such as demonstrations and refusing to pay taxes), stone throwing, and acts of violence and terrorism. The Intifada proved to be as much of a surprise to Palestinian leadership in the PLO as it was for the Israelis, and presented a stark challenge to the PLO leadership in Tunis by local Palestinian leaders, activists, and militants on the ground in the West Bank and Gaza Strip. As Professor Daniel Byman notes in his study of Israeli counterterrorism challenges and successes, "Although the first Intifada was a political victory for the Palestinian national cause, it was far more mixed for the PLO as an organization. New leaders were arising in the West Bank and Gaza, and the heart of the struggle was with them."²³

Also in December 1987, Congress passed legislation stating that the PLO was "a terrorist organization" (see further discussion, below).²⁴

Following the 1991 Gulf War and the internationally sponsored Middle East peace conference in Madrid that followed, secret negotiations led to the signing of the Oslo Accords between Israel and the Palestine Liberation Organization (PLO), at that time headed by Yasser Arafat. A series of interim agreements were subsequently signed over the next five years, leading to the creation of the Palestinian Authority (PA) and the withdrawal of Israeli forces from most of the Gaza Strip, the main Palestinian towns and most other Palestinian populated areas in the West Bank.

While the Palestinian Authority recognized the State of Israel (and vice versa) as part of the Oslo process, radical rejectionist groups like Palestinian Islamic Jihad (PIJ) and *Harakat al-Muqaawama al-Islamiya*, more commonly known as Hamas, did not. To counter the peace negotiations accepted by the PLO and pursued by the new Palestinian Authority, ten violent rejectionist groups banded together to form a rejectionist front against the peace process. These Palestinian terrorist groups, which included the Marxist-oriented Popular Front for the Liberation of Palestine (PFLP) to the Islamist Palestinian Islamic Jihad and Hamas (which were already members of the National Islamic Front), rejected negotiating peace with Israel and advocated continued terrorist attacks against Israel instead. Established in Damascus, the group was commonly referred to as the "Damascus Ten," though many of the groups were small and insignificant. The major players behind this rejectionist front were Hamas, Palestinian Islamic Jihad, the PFLP and the Democratic Front for the Liberation of Palestine (DFLP). According to a statement released at the end of the three-day founding conference in Damascus in October 1993, the groups specifically formed their coalition "with the aim of scuppering the [Israeli-Palestinian peace] accord."²⁵

In December 2000, Israeli and Palestinian leaders and negotiators met at the Camp David Presidential retreat in Maryland in an attempt to reach a final status peace agreement that would (1) establish an independent, sovereign Palestinian state in all of the Gaza Strip and at least 93% of the West Bank, and (2) provide for the security of Israeli citizens. The deal was to be final, putting to bed the decades old conflict, including both sides' claims and counterclaims.

²³ Daniel Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (Oxford: Oxford University Press, 2011), 74-75

²⁴ Anti-Terrorism Act of 1987, <https://www.gpo.gov/fdsys/pkg/STATUTE-101/pdf/STATUTE-101-Pg1331.pdf>

²⁵ "Palestinian rejectionist groups vow to form national opposition movement," AFP, October 9, 1993.

Unfortunately, as subsequently documented by Ambassador Dennis Ross, who mediated Israeli-Palestinian negotiations under the first Bush and both Clinton administrations, Arafat missed a historic opportunity when he turned down the Clinton Proposal presented at Camp David.²⁶

Negotiations resumed at the Egyptian resort of Taba in the Sinai shortly thereafter, but fell apart despite further progress on several key issues primarily due to the outbreak of violence in the West Bank and Gaza and the subsequent collapse of the government of Israeli Prime Minister Ehud Barak.²⁷

Since September 2000, the Israeli-Palestinian arena has been dominated by Palestinian street violence and organized terrorist attacks (many involving Fatah elements such as the al Aqsa Martyrs Brigades and the Tanzim) on the one hand, and Israeli responses to these attacks. This uprising was commonly known as the Second Intifada, or the al Aqsa Intifada. In 2002, the State Department designated Fatah's al Aqsa Martyr's Brigades as a Foreign Terrorist Organization (FTO) engaged in a wide range of terrorist attacks, including suicide bombings.²⁸

IV. Fatah's al-Shabiba Youth Movement

Fatah's al-Shabiba (which means youth, in Arabic) youth movement (also called the Youth Council for Social Activity) emerged as a local initiative and therefore never developed into a coherent, unified organization. Al-Shabiba's "organizational structure, mobilization tactics, and fields of action were never harmonized, so that it never became a formal organization in the Weberian sense." Such a loose structure also served the purpose of operational security. "Although this lack of structure could be considered one of its weaknesses, it is also one of its strengths. The division into separate organizations based on locality makes it difficult for any external power to break it or obstruct its activity."²⁹

In the 1980s, with the Fatah leadership based in Tunis and many of its leaders deported from the Palestinian territories, the group's Shabiba youth arm became an especially important tool for the PLO to keep at bay the nationalist and Islamist groups beginning to challenge Fatah for dominance on the streets of Palestinian towns and villages. As Professor Amal Jamal explains:

Fatah searched for new avenues to engender social compliance that would neutralize the influence of the national left and limit the emerging influence of the Islamist right. The generation of young nationalists who operated under the banner of the al-Shabiba movement soon became proper political entrepreneurs. Established in the early 1980s, al-Shabiba became the organizational tool by which the Fatah leadership in exile facilitated its domination over political developments in the

²⁶ <http://www.pbs.org/wgfh/pages/frontline/shows/oslo/negotiations/>

²⁷ Ibid.

²⁸ Matthew Levitt, "Designating the al-Aqsa Martyrs Brigades," Policywatch 371, The Washington Institute for Near East Policy, March 25, 2002, <https://www.washingtoninstitute.org/policy-analysis/view/designating-the-al-aqsa-martyrs-brigades>; State Department list of Foreign Terrorist Organizations <https://www.state.gov/j/ct/rls/other/des/123085.htm>

²⁹ Amal Jamal, *The Palestinian National Movement: Politics of Contention, 1967-2005* (Indiana University Press, 2005), 75

occupied territories. Despite the fact that it was a local political initiative, it soon became an important player, tipping the scales in favor of Fatah's leadership in exile and changing Palestinian society within the occupied territories. Al-Shabiba became the organizational avenue for young Palestinians who were from lower social classes or were refugees to gain influence over political developments. In this sense, the relationship between al-Shabiba and the external Fatah leadership was reciprocal though not equal.³⁰

Other scholars have tracked the Shabiba back several years earlier, to the 1970s. According to Zeev Schiff and Ehud Yaari, Fatah had since at least 1979 focused on building what it termed "popular organizations" in the Palestinian territories, "with pride of place going to the Shabiba."³¹ In fact, Shabiba youth clubs were founded at different times in different local communities. In the Balata refugee camp, for example, the Shabiba was founded in 1982. Largely comprised of students from the two local colleges in Nablus, they quickly became the dominant force in town. Schiff and Yaari document how "members of the [Shabiba] movement's rank and file patrolled the camp's alleyways at night, usually masked and sometimes armed with iron chains to leave no doubt about their sway. They forced whole families to leave Balata in shame because their sons were suspected of collaborating with the [Israeli] Shin Bet [security service]."³²

Israel banned the PLO's National Guidance Committee in March 1982, sparking a move toward empowering local public figures as de facto PLO representatives in the West Bank and Gaza Strip. Israel was trying to be tolerant of non-violent political action on the part of Palestinians, which gave these activists space to operate. In response to PLO terrorism, in 1985-1986 Israeli authorities detained or deported officials from many PLO-affiliated institutions. The vacuum created by the removal of these leaders from the scene opened the way for younger activists in what were effectively semi-legal entities that operated in parallel to the clandestine PLO organizations that were being targeted. "It was in this period," Professor Yezid Sayigh explains, "that Fatah's al-Shabiba (Youth Movement), the PFLP's [Popular Front for the Liberation of Palestine's] Jabhat al-Amal (Action Front), DFLP's [Democratic Front for the Liberation of Palestine's] al-Widha (Unity), and PCP [Palestine Communist Party]-backed agriculture and medical relief committees expanded most rapidly and gained valuable experience."³³

About a month before the outbreak of the first Intifada in late 1987, Israeli forces entered Balata "to break the hold of the Shabiba." Once the Intifada broke out, Shabiba leaders from Balata who had not been arrested published a handbill calling on average Palestinians to support violent resistance: "every household can contribute gas, boiling water, and stones; the craven soldiers can be hit from every rooftop."³⁴ But despite a grown in the ranks of the Shabiba in the months leading up to the first Intifada, Israeli security forces seemed to have thoroughly penetrated the movement

³⁰ Amal Jamal, *The Palestinian National Movement: Politics of Contention, 1967-2005* (Indiana University Press, 2005), 73

³¹ Zeev Schiff and Ehud Yaari, *Intifada: The Inside Story of the Palestinian Uprising that Changed the Middle East Equation* (New York: Touchstone, 1989), 203

³² Zeev Schiff and Ehud Yaari, *Intifada: The Inside Story of the Palestinian Uprising that Changed the Middle East Equation* (New York: Touchstone, 1989), 60

³³ Yezid Sayigh, *Armed Struggle and the Search for State: the Palestinian National Movement, 1949-1993* (Oxford: Oxford University Press, 1997), 610

³⁴ Zeev Schiff and Ehud Yaari, *Intifada: The Inside Story of the Palestinian Uprising that Changed the Middle East Equation* (New York: Touchstone, 1989), 62

such that there was “a decline in faith that its patrons could be trusted to protect the identity of those who answered the call and joined the ‘armed struggle’.”³⁵

In April 1998 Israeli commandos assassinated senior PLO leader Khalil al-Wazir (aka Abu Jihad) in Tunis. Al-Wazir was deeply involved in overseeing PLO activities in the context of the first Intifada, but the uprising continued unabated in large part due to the large number of militant youth movements, including Fatah’s al-Shabiba, among others. At the time, the Shabiba alone claimed some 40,000 members.³⁶

The al-Shabiba played a central role in changing the organizational structure of Palestinian resistance—ranging from social and political to violent forms of resistance—in the West Bank and Gaza Strip in the 1980s. As Professor Amal Jamal notes, the public realization that resistance needed to be organized differently than it had been under Khalil al-Wazir “expressed itself in the rise of small local organizational networks that were very active in empowering the population and encouraging collective solidarity. These organizations were run mostly by members of the young generation of activists, with student blocs and social movements such as al-Shabiba behind them.”³⁷

V. Goals and tactics of the PLO and Fatah in the 1980s and Onward

In 1980, at the Fourth Fatah Congress, the group would adopt a political platform, which clarified its commitment to violence and echoed parts of the PLO charter:

Our method towards the realization of our goals is the popular armed revolution, being the definite and exclusive way to the liberation of Palestine. The armed struggle is a strategy, not a tactic. The armed revolution of the Arab Palestinian people is a decisive factor in the battle for liberation and the elimination of the Zionist entity. This struggle will be carried on without interruption until the annihilation of the Zionist entity and the liberation of Palestine are achieved.³⁸

By 1982, the PLO declared “open season” against American diplomats in Europe, in particular in France. After a series of attacks in late 1981 and 1982, the Washington Post reported that “warnings have been circulated at the highest levels in Washington” and officials assessed that “no American diplomat is safe from assassination and that some invariably will die.”³⁹

In Israel, the West Bank and Gaza Strip, the PLO continued to carry out attacks targeting Israeli civilian and military targets alike. According to an Israeli foreign ministry report, from February to October 1985 there were 380 attacks or plots against Israel—some attempted, some

³⁵ Zeev Schiff and Ehud Yaari, *Intifada: The Inside Story of the Palestinian Uprising that Changed the Middle East Equation* (New York: Touchstone, 1989), 64.

³⁶ ³⁶ Yezid Sayigh, *Armed Struggle and the Search for State: the Palestinian National Movement, 1949-1993* (Oxford: Oxford University Press, 1997), 619.

³⁷ Amal Jamal, *The Palestinian National Movement: Politics of Contention, 1967-2005* (Indiana University Press, 2005), 89.

³⁸ Raphael Israeli, editor, *PLO in Lebanon: Selected Documents* (London: Weidenfeld & Nicolson, 1983), 13-14.

³⁹ Jack Anderson, “Embittered PLO Vows Vengeance on Americans,” *The Washington Post*, August 31, 1982, B14.

preempted—leading to 19 deaths and over 100 wounded. Israel tied the surge in terrorism to the PLO, citing specific PLO meetings and Fatah plots directed by PLO leaders from Jordan.⁴⁰

And attacks abroad continued, as well. According to a State Department report, “Fatah, the group led by PLO head Arafat, is believed responsible for some 10 attacks in Western Europe in 1985, including the murder last September of three Israelis in Cyprus.”⁴¹

In November 1985, PLO Chairman Yasser Arafat stated in what became known as the Cairo Declaration that the PLO “denounces and condemns all terrorist acts” committed outside Arab territory, but maintained that Palestinians still had a right “to fight against the Israeli occupation in all possible ways.”⁴² But just a day prior to his statement, the CIA published a memo circulated within the U.S. government entitled “The PLO Threat to US Interests.” The memo noted that Arafat had long followed a two-track policy of pursuing a diplomatic path for the Palestinians while condoning Palestinian terrorism. “Evidence is growing,” the memo reports, “that members of Arafat’s own Fatah organization also are involved in carrying out terrorist operations outside Israel and the occupied territories.”⁴³ According to this memo, at least ten U.S. embassies around the world received bomb threats since an American operation targeting PLO-affiliated Achille Lauro hijackers. The memo highlights three specific operational elements within Fatah that “continue to plan, direct and stage operations,” and notes that while their operations primarily targeted Israel “we cannot rule out the possibility that they will extend their actions to attack US interests if targets of opportunity are found.”⁴⁴

Meanwhile, Fatah and PLO elements continued to carry out shootings, bombings and other acts of terrorism, usually targeting Israelis, but sometimes targeting fellow Palestinians. Palestinians suspected of collaborating with Israeli security services were often intimidated, assaulted, and sometime assassinated. According to a study by the Palestinian Academic Society for the Study of International Affairs, in the context of the first Intifada the murder of suspected collaborators descended into “a murderous purge, out of control and in which the fundamental human rights of suspects were abused in the most blatant and brutal manner.” In 1988, the study recorded, twenty suspected collaborators were killed. The following year the number rose to 150. Over subsequent years, until late 1993, an average of 150-200 suspected collaborators were killed each year.⁴⁵

⁴⁰ William Claiborne, “Israel Says PLO Behind Terror Surge,” *The Washington Post*, October 19, 1985, https://www.washingtonpost.com/archive/politics/1985/10/19/israel-says-plo-behind-terror-surge/b08757ad-2f59-4aef-8eaf-1515779031ca/?utm_term=.00e5e5e757eb; “The PLO Offices in Tunis and Aman: Possible Roles, Links and Conduct in Fatah Operations,” Directorate of Intelligence, Central Intelligence Agency, 30 October 1985, <https://www.cia.gov/library/readingroom/docs/CIA-RDP85T01058R000507040004-7.pdf>

⁴¹ “Patterns of Global Terrorism: 1985,” United States Department of State, October 1986, <http://www.higginsetc.org/patternsofglobalterrorism/1985pogl.pdf>

⁴² Jeffrey Bartholet, “Arafat Denounces Terrorism, Pledges to Punish Violators,” *The Washington Post*, November 8, 1985, https://www.washingtonpost.com/archive/politics/1985/11/08/arafat-denounces-terrorism-pledges-to-punish-violators/939a9067-d4d0-42ef-b32d-7268ec16c32c/?utm_term=.f3638183b52a

⁴³ “The PLO Threat to US Interests,” Directorate of Intelligence, Central Intelligence Agency, 7 November 1985, <https://www.cia.gov/library/readingroom/docs/CIA-RDP85T01058R000507070001-7.pdf>

⁴⁴ “The PLO Threat to US Interests,” Directorate of Intelligence, Central Intelligence Agency, 7 November 1985, <https://www.cia.gov/library/readingroom/docs/CIA-RDP85T01058R000507070001-7.pdf>

⁴⁵ Andrew Rigby, *The Legacy of the Past: The Problem of Collaborators and the Palestinian Case*, Palestinian Academic Society for the Study of International Affairs (Jerusalem: PASSIA, 1997), 54

The PLO continues to exist today as an umbrella Palestinian national movement, but it has been largely overtaken since the negotiation of the Oslo Accords by the Palestinian Authority (PA), the governing Palestinian entity created under the Oslo Accords (since intra-Palestinian violence in 2007, the Fatah-led PA has ruled the West Bank and Hamas has controlled the Gaza Strip). Since its creation, Fatah has dominated the PA just as it has the PLO. The PA, PLO and Fatah—with significant overlap in their leadership—have focused primarily on political and diplomatic solutions to the Israeli-Palestinian conflict since the Oslo Accords, but were still tied to significant acts of terrorism from time to time—especially in the context of the Second Intifada, which started in 2000.

Fatah collaborated with other groups to carry out joint attacks from time to time, including under the rubric of loose affiliations like the Popular Resistance Committee (PRC) which included groups like Fatah, Hamas, and Palestinian Islamic Jihad.⁴⁶ Fatah-affiliated terrorist entities included Fatah's Tanzim as well as the al Aqsa Martyrs Brigade (AAB), which the U.S. State Department designated as a Foreign Terrorist Organization (FTO) in March 2002.⁴⁷

According to the U.S. State Department, "The al-Aqsa Martyrs Brigades consists of an unknown number of small cells of Fatah affiliated terrorists that emerged at the outset of the current intifadah to attack Israeli targets." As of 2003, the department reported, "Al-Aqsa has carried out shootings and suicide operations against Israeli civilians and military personnel and has killed Palestinians suspected of collaborating with Israel. At least five US citizens—four of them dual US-Israeli citizens—were killed in al-Aqsa's attacks. In January 2002, al-Aqsa claimed responsibility for the first suicide bombing carried out by a female."⁴⁸ Fatah is, by its own admission, al-Aqsa's parent and controlling organization. Asked if al-Aqsa is under Arafat's control, senior Fatah leader Hussein al-Sheikh openly responded, "of course, there is control." In another interview, al-Sheikh confirmed that Fatah controls al-Aqsa "to one extent or another." Al-Aqsa members say much the same. According to the Brigades' Maslama Thabet, "the truth is, we are Fatah itself, but we don't operate under the name Fatah. We are the armed wing of the organization. We receive our instructions from Fatah. Our commander is Yasser Arafat himself."⁴⁹

By June 2002, the U.S. government determined that the Fatah-led PA was so deeply involved in terrorism that their leadership, starting with Yaser Arafat, was too tainted by terrorism to lead the Palestinian people. In a Rose Garden press conference, President Bush announced, "I call on the Palestinian people to elect new leaders, leaders not compromised by terror." His bottom line about the roles Palestinian leaders and Palestinian security services were playing was in terrorism was clear: "Today, Palestinian authorities are encouraging, not opposing

⁴⁶ Patterns of Global Terrorism 2003, The U.S. Department of State, April 2004, <https://www.state.gov/documents/organization/31912.pdf>

⁴⁷ Foreign Terrorist Organizations, U.S. Department of State, <https://www.state.gov/j/ct/rls/other/des/123085.htm>

⁴⁸ Patterns of Global Terrorism 2003, The U.S. Department of State, April 2004, <https://www.state.gov/documents/organization/31912.pdf>

⁴⁹ Matthew Levitt, "Designating the al-Aqsa Martyrs Brigades," Policywatch 371, The Washington Institute for Near East Policy, March 25, 2002, <https://www.washingtoninstitute.org/policy-analysis/view/designating-the-al-aqsa-martyrs-brigades>

terrorism. This is unacceptable. And the United States will not support the establishment of a Palestinian state until its leaders engage in a sustained fight against the terrorists and dismantle their infrastructure. This will require an externally supervised effort to rebuild and reform the Palestinian security services.”⁵⁰

Fatah-affiliated terrorism even once the U.S.-led effort to reform Palestinian security services commenced. In 2012, the State Department reported that “al-Aqsa [Martyrs Brigade]’s goal is to drive the Israeli military and West Bank settlers from the West Bank in order to establish a Palestinian state loyal to the Fatah.” To this end, AAB attacks persisted, including rocket attacks targeting Israeli civilian communities in 2010 and 2011.⁵¹

VI. How the United States Government classified and related to the PLO in the 1980s

As the CIA and State Department reports cited above underscore, the U.S. government has long been concerned about the terrorist activities of the PLO and its constituent member groups. Indeed, a CIA report from October 1968 about anti-Israeli Arab terrorist organizations refers to several “terrorist organizations—which include Fatah, the Palestine Liberation Organization, and the Popular Front for the Liberation of Palestine.”⁵²

At the same time, secret meetings were sometimes held with PLO operatives as part of American intelligence operatives’ efforts to prevent groups from targeting Americans.⁵³ Such meetings were and remain controversial, but they never took the place of official U.S. policy toward the PLO. Indeed, several PLO constituent member groups have been—and some remain today—U.S. designated terrorist groups.⁵⁴

As noted above, PLO threats to U.S. interests emerged in the early 1980s, and by 1985 the U.S. Department of Justice was reviewing information tying Yasser Arafat himself to the 1973 murder of two senior U.S. diplomats in Sudan. Senator Frank Lautenberg wrote Attorney General Edwin Meese III in December 1985, laying out some of the allegations and concluding that “These allegations, if substantiated, leave little doubt that a warrant for Arafat’s arrest should be issued, and a criminal indictment filed against him.”⁵⁵ The Reagan administration

⁵⁰ “President Calls for New Palestinian Leadership,” White House Press Release, June 24, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/06/20020624-3.html>

⁵¹ “Country Reports on Terrorism 2011,” U.S. Department of State, July 2012, <https://www.state.gov/documents/organization/195768.pdf>

⁵² “Anti-Israeli Arab Terrorist Organizations,” Weekly Summary Special Report, Directorate of Intelligence, Central Intelligence Agency, 4 October 1968, <https://www.cia.gov/library/readingroom/docs/CIA-RDP79-00927A006700010003-7.pdf>

⁵³ See, for example, David Ignatius, “The Secret History of U.S.-PLO Terror Talks,” *The Washington Post*, December 4, 1988, https://www.washingtonpost.com/archive/opinions/1988/12/04/the-secret-history-of-us-plo-terror-talks/081476d5-6b4c-4ec2-ad6d-713edfde9854/?utm_term=.c6728bea735e

⁵⁴ Foreign Terrorist Organizations, United States Department of State, <https://www.state.gov/j/ct/rls/other/des/123085.htm>

⁵⁵ Frank Lautenberg letter to Edwin Meese II, December 1985, <https://www.cia.gov/library/readingroom/docs/CIA-RDP87B00858R000600950036-7.pdf>

would decide against seeking Arafat's indictment, citing the fact that the law creating criminal liability for the murder of American diplomats abroad was only passed after the crime in question, but the episode underscores how the U.S. government perceived the PLO at the time.⁵⁶

Congress found many ways to express its concerns about the PLO and its terrorist activities in the 1980s. Congress opposed U.S. participation in the International Monetary Fund in 1980 if organization granted the PLO membership, and in 1982 it made sure that U.S. contributions to the United Nations could not be used to support the PLO. In 1984, Congress further banned U.S. officials from negotiating with the PLO or recognizing the organization until it recognized Israel's right to exist, accepted UN Security Council Resolutions 242 and 338, and renounced terrorism.⁵⁷

In December 1987, Congress passed the Anti-Terrorism Act of 1987. This statute determined that "the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law, and should not benefit from operating in the United States." The full relevant portion reads:

SEC. 1002. FINDINGS; DETERMINATIONS.

(a) FINDINGS.—The Congress finds that—

- (1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;
- (2) the Palestine Liberation Organization (hereafter in this title referred to as the "PLO") was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;
- (3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;
- (4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;
- (5) the PLO covenant specifically states that "armed struggle is the only way to liberate Palestine, thus it is an overall strategy, not merely a tactical phase";
- (6) the PLO rededicated itself to the "continuing struggle in all its armed forms" at the Palestine National Council meeting in April 1987; and

⁵⁶ Pete Yost, "Administration Decides Against Seeking Arafat's Indictment," Associated Press, April 21, 1986, <https://apnews.com/1fa0dd98c31c492114f56c49a74a6f2e>

⁵⁷ Clyde Mark, "Palestinians and Middle East Peace: Issues for the United States," CRS Issue Brief for Congress, Congressional Research Service, The Library of Congress, Updated April 26, 2005, <https://fas.org/spp/crs/mideast/IB92052.pdf>

(7) the Attorney General has stated that "various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror".

(b) DETERMINATIONS.—Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.⁵⁸

In late November of 1988, the State Department issued a statement explaining its decision to bar Yasser Arafat from obtaining a visa to speak at the UN in NYC. In this statement, the State Department unequivocally accused Arafat of overseeing terrorist operations as the head of Fatah and of the PLO. It highlighted operations by the PLO and its constituent groups after the organization had officially renounced terrorism in its 1985 Cairo declaration. The relevant portion of the State Department statement reads:

The U.S. Government has convincing evidence that P.L.O. elements have engaged in terrorism against Americans and others. This evidence includes a series of operations undertaken by the Force 17 and the Hawari organizations since the PLO claimed to forswear the use of terrorism in the Cairo Declaration of November, 1985. As chairman of the P.L.O. Mr. Arafat is responsible for actions of these organizations which are units of Fatah, an element of the P.L.O. of which he also is chairman and which is under his control. The most recent sign of Mr. Arafat's associations with terrorism was the presence at the Algiers session of the Palestine National Council this month of Abu Abbass, a member of the Executive Committee of the P.L.O. who has been convicted by the Italian judicial system of the murder of an American citizen, Mr. Leon Klinghoffer. P.L.O. and Terrorism

The P.L.O. through certain of its elements has employed terrorism against Americans. Mr. Arafat, as Chairman of the P.L.O., knows of, condones and lends support to such acts; he therefore is an accessory to such terrorism.⁵⁹

In December 1988, Secretary of State George Shultz determined that the PLO had renounced violence and accepted UN Security Council Resolutions 242 and 338 and announced that the United States would open a limited dialogue with the PLO through the U.S. ambassador to Tunisia.⁶⁰ However, President Bush suspended those talks just months later when PLO Chairman Arafat refused to condemn an attempted attack on an Israeli beach by the Palestine Liberation Front, a constituent member of the PLO whose leader sat on the PLO Executive Committee.⁶¹

⁵⁸ Anti-Terrorism Act of 1987, <https://www.gpo.gov/fdsys/pkg/STATUTE-101/pdf/STATUTE-101-Pg1331.pdf>

⁵⁹ "Statement Denying Visa for Arafat," *The New York Times*, November 27, 1988, <https://www.nytimes.com/1988/11/27/world/statement-denying-visa-for-arafat.html>

⁶⁰ Robert Pear, "U.S. Agrees to Talks with P.L.O., Saying Arafat Accepts Israel and Renounces All Terrorism," *The New York Times*, December 15, 1988, <https://www.nytimes.com/1988/12/15/world/us-agrees-talks-with-plo-saying-arafat-accepts-israel-renounces-all-terrorism.html>

⁶¹ Ann Devroy, "President Suspects PLO Talks," *The Washington Post*, June 21, 1990, https://www.washingtonpost.com/archive/politics/1990/06/21/president-suspends-plo-talks/98d1a37d-e3ae-417e-b9ee-3dce7887ddd9/?utm_term=.9588aab685b6

VII. Conclusion

In the 1980s, the PLO actively recruited young Palestinians—especially on college campuses—and built up grassroots organizations like Fatah’s al-Shabiba youth movement. These young Fatah activists engaged in a spectrum of activities from peaceful demonstrations to throwing rocks to carrying out acts of violence, including shooting and bombing attacks.

According to translated Israeli court documents, Mr. Shqaire was indicted by an Israeli military court for activities typical of Fatah al-Shabiba activists at the time, including: being a member of a “Shabeba” cell; engaging in rallies and “military marches”; engaging in incitement and distributing PLO propaganda; targeting an Israeli bus with a roadside bomb; assaulting suspected Palestinian collaborators; and stone throwing targeting suspected collaborators or people suspected of behaving immorally. As discussed above, these are all typical behaviors for activists affiliated with PLO groups like Fatah’s al-Shabiba in the late 1980s and early 1990s.

Over the course of this same span of time, the U.S. government clearly identified the PLO and Fatah as groups engaged in acts of political violence and terrorism, through and including the late 2010s. One terrorist element affiliated with Fatah, the al Aqsa Martyrs Brigade, remains a State Department-designated Foreign Terrorist Organization still today.⁶²



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Date

⁶² “Country Reports on Terrorism 2017,” U.S. Department of State, September 2018, <https://www.state.gov/documents/organization/283100.pdf>