

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

1. **WINFRED WAIRIMU WAMAI, individually**)
And as Personal Representative of the Estate)
of Adams Titus Wamai)
)
2. **DIANA WILLIAMS**)
)
3. **TITUS WAMAI**)
)
4. **ANGELA WAMAI**)
)
5. **LLOYD WAMAI**)
)
6. **JOHN MURIUKI GIRANDI**)
)
7. **SARAH ANYISO TIKOLO, individually**)
and for the Estate of Moses Geoffrey Naniai,)
)
8. **NEGEEL ANDIKA**)
)
9. **GRACE NJERI KIMATA, individually**)
And as Personal Representative of the)
Estate of Francis Watoro Maina)
)
10. **MAINA VICTOR**)
)
11. **WAMBUI RACHEL**)
)
12. **LUCY MUTHONI GITAU, individually and**)
As Personal Representative for the Estate of)
Lawrence A. Gitau,)
)
13. **GITAU CATHERINE WAITHIRA**)
)
14. **ERNEST GICHIRI GITAU**)
)
15. **FELISTER WANJIRU GITAU**)
)
16. **GRACE NJERI GICHO, individually**)
And as Personal Representative of the)
Estate of Peter Kabau Macharia)
)

- 17. **DIANA NJOKI MACHARIA**)
- 18. **STANLEY NJAR NGUGI**)
- 19. **MARGARET NJOKI NGUGI**)
- 20. **ANN RUGURU**)
- 21. **NAGUGI MACHARIA**)
- 22. **DAVID KARIUKI NGUGI**)
- 23. **PAUL MWANGI NGUGI**)
- 24. **JOHN MUNGAI NGUGI**)
- 25. **LUCY KAMAU, individually and as Personal**)
Representative of the Estates of Joseph Kamau)
Kiongo and Teresia Wairimu)
- 26. **JANE KAMAU**)
- 27. **ALICE MUHONI KAMAU**)
- 28. **NEWTON KAMAU**)
- 29. **PAULINE KAMAU**)
- 30. **PETER KAMAU**)
- 31. **MERCY KAMAU WAIRIMU**)
- 32. **ANN WAMBUI KAMAU**)
- 33. **DANIEL KIOMHO KAMAU**)
- 34. **NYANGORO WILFRED MAYAKA,**)
Individually and as Personal Representative)
Of the Estate of Mayaka Lydia Mukiri)
- 35. **DOREEN MAYAKA**)
- 36. **DICK OBWORO**)
- 37. **DIANA NYANGARA**)

- 38. **DEBORAH KERUBO**)
- 39. **JACOB AWALA, individually and**)
As Personal Representative of the Estates)
of Josiah Owuor and Edwina Owuor)
- 40. **WARREN AWALA**)
- 41. **VINCENT OWOUR**)
- 42. **MORDECHAI THOMAS ONONO,**)
Individually and as Personal Representative)
Of the Estate of Lucy Grace Onono)
- 43. **PRISCILLA OKATCH, Individually**)
And as Personal Representative of the)
Estate of Maurice Okatch Ogola)
- 44. **DENNIS OKATCH**)
- 45. **ROSEMARY ANYANGO OKATCH**)
- 46. **SAMSON OKATCH**)
- 47. **JENIPHER OKATCH**)
- 48. **JOSINDA KATUMBA KAMAU,**)
Individually and as Personal Representative)
Of the Estate of Vincent Kamau Nyoike)
- 49. **CAROLINE WANJIRU KAMAU**)
- 50. **FAITH WANZA KAMAU**)
- 51. **ELIZABETH VUTAGE MALOBA,**)
Individually and as Personal Representative)
Of the Estate of Frederick Yafes Maloba)
- 52. **KENNETH MALOBA**)
- 53. **MARGARET MALOBA**)
- 54. **ADHIAMBO SHARON**)
- 55. **OKILE MARLON**)

- 56. LEWIS MAFWAVO)
- 57. MARLONG OKILE)
- 58. MARY MUTHEU NDAMBUKI,)
Individually and as Personal Representative)
Of the Estate of Kimeu NZioka Nganga)
- 59. OLE PUSSY SAMUEL KASHOO,)
Individually and as Personal Representative)
Of the Estate of Pussy Rachel Mungasia)
- 60. ANDREW PUSSY)
- 61. DOREEN NASIEKU)
- 62. ELSY PUSSY)
- 63. ROSEMARY ANYANGO OLELE, Individually)
And as Personal Representative of the Estate)
Of Francis Olewe Ochilo)
- 64. WENDY ACHIENG)
- 65. JULIET AWUOR)
- 66. JANE KATHUKA, Individually and as Personal)
Representative of the Estate of)
Geoffrey Mulu Kalio,)
- 67. BERNICE MUTHEU NDETI,)
- 68. DAEN NTHAMBI MULU,)
- 69. TABITHA NTHAMBI KALIO,)
- 70. AQUILAS MUTUKU KALIO)
- 71. CATHERINE MBATHA,)
- 72. LILIAN MBELU KALIO,)
- 73. CATHERINE GITUMBO, Individually and)
As Personal Representative of the Estate of)
Joel Gitumbo Kamau,)

- 74. EUNICE MUTHOU,)
- 75. ELIZABETH WANJIKU,)
- 76. DAVID KAMAU,)
- 77. PETER KIBUE KAMAU,)
- 78. PHILIP KARIUKI GITUMBO,)
- 79. KAMALI MUSYOKA, Individually and as)
Personal Representative of the Estate of)
Dominic Musyoka,)
- 80. BEATRICE MARTHA KITHUVA,)
- 81. BENSON MALUSI MUSYOKA,)
- 82. WASON MUSYOKA,)
- 83. CAROLINE KASUNGO WHALI,)
- 84. TITUS KYAW MUSYOKA,)
- 85. VELMA BONYO, Individually and as)
Personal Representative of the Estate of)
Klyeliff C. Bonyo,)
- 86. DORINE BONYO,)
- 87. ELIJAH BONYO,)
- 88. ANJELA BONYO,)
- 89. WINNIE BONYO,)
- 90. JOYCE ABUR, Individually and as)
Personal Representative of the Estate of)
Eric Onyango,)
- 91. TILDA A. ABUR,)
- 92. KELESENDHIA APONDI,)
- 93. BARNABAS ONYANGO,)

- 94. PAUL JABODA ONYANGO,)
)
- 95. FAITH KIHAFIO, Individually and as)
Personal Representative of the Estate of)
Tony Kihato Irungu,)
)
- 96. JACQUILINE WANGECI,)
)
- 97. STEVE MBUKU,)
)
- 98. ANNAH WANGECI IRUNGU,)
)
- 99. ALI HUSSEIN ALI, Individually and as)
Personal Representative of the Estate of)
Hindu Omar Iddi,)
)
- 100. FATHMA IDDI,)
)
- 101. OMAR IDDI,)
)
- 102. HAMIDA IDDI,)
)
- 103. RASHIHID IDDI,)
)
- 104. MAHMOUD IDDI,)
)
- 105. SUSAN HIRSH, Individually and as Personal)
Representative of the Estate of Abdulrahman)
M. Abdalla,)
)
- 106. SELINA SAIDI, Individually and as Personal)
Representative of the Estate of Saidi Rogath,)
)
- 107. HANUNI NDANGE, Individually and as)
Personal Representative of the Estate of)
Yusuf Ndange,)
)
- 108. JUDITH MBELWA, Individually and as Personal)
Representative of the Estate of Abbas Mwila,)
)
- 109. MOHAMED Y. MNYOLYA, Individually and as)
Personal Representative of the Estate of)
Abdallah M. Mnyolya,)
)
- 110. NURU H. SULTANI,)
)

- 111. **AISHA KAMBENGA, Individually and as Personal Representative of the Estate of Bakari Nyumbu,**)
)
- 112. **KULWA RAMADHANI, Individually and as Personal Representative of the Estate of Dotto Ramadhani,**)
)
- 113. **MAGDALENA PAUL, Individually and as Personal Representative of the Estate of Elisha E. Paul,**)
)
- 114. **SHABANI MTULYA, Individually and as Personal Representative of the Estate of Mtendeje Rajabu,**)
)
- 115. **HUSSEIN RAMADHANI, Individually and as Personal Representative of the Estate of Ramadhani Mahundi,**)
)
- 116. **RUKIA MUNJIRU ALI,**)
)
- 117. **MILKE W. MACHARIA,**)
)
- 118. **BEUNDA KEBOGO J. CHAKA,**)
)
- 119. **GEORGE M. MIMBA,**)
)
- 120. **MARY OFISI,**)
)
- 121. **MONICA MUNYORI,**)
)
- 122. **NICHOLAS M. MUTISO,**)
)
- 123. **STELLA NJUGUNA,**)
)
- 124. **DAVID K. KIBURU,**)
)
- 125. **JECINTA W. WAHOME,**)
)
- 126. **BELINDA AKINYI ADIKA,**)
)
- 127. **KIRUMBU WMBURU MUKURIA,**)
)
- 128. **ELIZABETH MULI KIBUE,**)
)
- 129. **MARY WANJUGU GITONGA,**)
)
- 130. **LAYDIAH WANJIRU MWANGI,**)

131. CHARLES MWAKA MULWA,)
 132. BONIFACE CHEGE,)
 133. CAROLINE W. GICHURU,)
 134. LIVINGSTONE MADAHANA,)
 135. WELLINGTON OLUOMA,)
 136. ELSIE W. KAGIMBI,)
 137. SAMUEL O. ORIARO,)
 138. GIDEON K. MAZITIM,)
 139. MARGARET W. NDUNGU,)
 140. CHARLES NKANATHA,)
 141. CAROLINE NGUHI NGUGI,)
 142. PATRICK OUMA OKECHI,)
 143. RAPHEL N. KIVINDYO,)
 144. TOBIAS O. OTIENO,)
 145. AARON MAKAU,)
 146. RAMDAN KIMAM JURAU,)
 147. CAROLINE N. OCHIENG,)
 148. OLAMBO CHAVLES,)
 149. MILLY M. AMDUSO,)
 150. EMILY K. MINAYO,)
 151. FRANCIS MAINE NDIBUL,)
 152. CHARLES M. NDIBUL,)
 153. MOSES M. KUIYVA,)

154. MARINA KIRIMA,)
155. THOMAS OHUORO,)
156. LIMMLES I. KASUI,)
157. MICHAEL N. MWORIA,)
158. JOASH O. OKENDO,)
159. JULIUS OGORO,)
160. AGGREY N. ABUTI,)
161. RENSON M. ASHIKA,)
162. ABDULRAHMAN R. BASHIR,)
163. JENNIFER J. CHEBOL,)
164. JOSEPH T. GATHECHA,)
165. IDDI A. KAKA,)
166. JAMES KANJA,)
167. BERNARD M. KASWIL,)
168. DAVID M. KIMANI,)
169. SAMUEL KIVINDYO,)
170. PETER N. KUNG'U)
171. THOMAS G. KURIA,)
172. JAMES M. MACHARIA,)
173. TOITORO O. MASANGA,)
174. ROBERT M. MATHEKA,)
175. RICHARD N. MAWEU,)
176. MATTHEW M. MBITHI,)

- 177. FRANCIS N. MBURU,)
- 178. PAUL K. MUSAU,)
- 179. EDWARD M. MUTHAMA,)
- 180. THOMAS M. MUTUA,)
- 181. JAMES M. MUTUKU,)
- 182. PAUL G. MWINGI,)
- 183. LUCAS M. NDILE,)
- 184. ANTHONY NGINYA,)
- 185. ALEXANDER C. NJERU,)
- 186. ENOS NZALWA,)
- 187. JULIUS M. NZIVO,)
- 188. FREDERICK O. OBANGA,)
- 189. JUSTUS M. WAMBUA,)
- 190. MAKONNEN K. MENERIC,)
- 191. JAMES BABIRA NDEDA,)
- 192. PAULINE D. ABDALLAH,)
- 193. JOHN NDUATI,)
- 194. WUNNIE W. GICHURU,)
- 195. BLASIO SHIKAMI,)
- 196. CYNTHIA KIMBLE,)
- 197. HENRY KESSY,)
- 198. EVITTA KWIMBERE,)
- 199. ELIZABETH SLATER,)

- 200. NAFISA MALIK,
- 201. VALERIE NAIR,
- 202. LAUREL MCMULLEN,
- 203. CHRISTANT HIZA,
- 204. FREDERICK KABODYA,
- 205. JUSTINA MDOBILU,
- 206. BENJAMIN WINFORD,
- 207. CHRISTOPHER MCMULLEN,
- 208. HOSIANNA MMBAGA,
- 209. TIBRUSS MINJA,
- 210. SAJJAD GULAMALI,
- 211. CLIFFORD TARIMO,
- 212. SITA MAGUA,
- 213. EDDIESON KAPESA,
- 214. VALENTY KATUNDA,
- 215. EDSON MAUMU,
- 216. ZEPHANIA MBOGE,
- 217. DONTI MWAIPAPE,
- 218. EDWARD RUTASHEHERWA,
- 219. VICTOR MPOPO,
- 220. ALLY KINDAMBA,
- 221. GAUDENS THOMAS,

Plaintiffs,

v.

Civil Action No.
1:08-cv-01349-JR

REPUBLIC OF SUDAN, MINISTRY OF THE
INTERIOR OF THE REPUBLIC OF THE
SUDAN, ISLAMIC REPUBLIC OF IRAN,
IRANIAN REVOLUTIONARY GUARDS
CORPS, IRANIAN MINISTRY OF
INFORMATION AND SECURITY

Defendants.

FIRST AMENDED COMPLAINT

Plaintiffs, through undersigned counsel, respectfully bring this action against the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Revolutionary Guards Corps and the Iranian Ministry of Information and Security jointly and severally, and allege as follows:

1. This action is brought by Plaintiffs for serious injuries and deaths suffered as a result of the August 7, 1998 terrorist attacks upon the United States Embassies in Nairobi, Kenya and in Dar Es Salaam. The terrorist attack was carried out by the al Qaeda terrorist group, headed by Osama Bin Laden, and was provided with material support or resources including cover, sanctuary, technical assistance, explosive devices and training by Defendants.

JURISDICTION AND VENUE

2. Plaintiffs bring this action pursuant to the Anti-Terrorism Amendments to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602 *et seq*, and the laws of the jurisdiction of residence of Plaintiffs.

3. This court has jurisdiction over the subject matter of this action pursuant to 28

U.S.C. §§ 1330(a), 1331, and 1605A.

4. Defendants are subject to suit in the courts of the United States pursuant to 28 U.S.C. § 1605A, an exception to the Foreign Sovereign Immunities Act allowing suit against foreign state sponsors of terror, for extrajudicial killings and other terrorist actions committed by said states and their agents.

5. Pursuant to 28 U.S.C. § 1605A, jurisdiction is proper where either the claimant or victim is a United States citizen or where the victim at the time of the terrorist attack was an employee of the Government of the United States acting within the scope of the employee's employment.

6. Plaintiffs and/or decedents are United States citizens, United States nationals, and/or employees of the Government of the United States, employed at the United States Embassy in Nairobi, Kenya and/or an individual performing a contract awarded by the United States government acting within the scope of the employee's employment at the time of the terrorist attack.

7. Private actions for personal injury and related torts brought by Plaintiffs against foreign state sponsors of terrorism under 28 U.S.C. § 1605A(c) are uniquely and wholly Federal versions of what are traditionally state-law causes of action. These purely Federal tort actions were signed into law on January 28, 2008. Cf. P.L. 110-181 § 1083 (2008).

8. Plaintiffs bring their claim within 28 U.S.C. § 1605A(c)(2)'s statute of limitations of "10 years after the date on which the cause of action arose."

9. Venue in this Court is proper in accordance with the provisions of 28 U.S.C. § 1391 (f)(4), which provides in pertinent part that a civil action against a foreign state may be brought in the United States District Court for the District of Columbia.

DEFENDANTS

10. Defendant, the Republic of Sudan is a foreign state which at all times alleged hereinafter was designated a state sponsor of terrorism pursuant to Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. § 2405 (J)).

11. Defendant, the Ministry of the Interior of the Republic of the Sudan, is an agency of Defendant, the Republic of the Sudan. Its activities at the time of this occurrence included the support of terrorist activities directed against foreign targets by terrorist groups operating with cover of the Republic of the Sudan.

12. The Defendant, the Republic of the Sudan, acting through the Defendant, the Ministry of the Interior of the Republic of the Sudan, entered into an arrangement with al Qaeda and Hezbollah under which those organizations received shelter and protection from interference while carrying out planning and training of various persons for terrorist attacks, including the August 7, 2008 attacks on the United States Embassies in Nairobi, Kenya and in Dar Es Salaam, Tanzania. These included an organizational and planning meeting within the Republic of Sudan between al Qaeda and Hezbollah officials, with the purpose of planning and carrying out the attacks on the United States Embassy in Kenya, which caused the injuries and death to Plaintiffs' as, described hereinafter.

13. Defendant, the Islamic Republic of Iran is a foreign state which at all times alleged hereinafter was designated a state sponsor of terrorism pursuant to Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. § 2405 (J)).

14. Defendants the Iranian Revolutionary Guards Corps ("IRGC") by and through its Quds Force Division ("Quds"), and the Iranian Ministry of Information and Security ("MOIS") are agencies of the Defendant, the Islamic Republic of Iran, responsible for providing the

military and intelligence services through which Iran trained, supported, and otherwise guided and directed the terrorist organizations responsible for causing Plaintiffs' injuries and trauma as described hereinafter.

STATEMENT OF FACTS

15. Starting in 1989, an international terrorist group emerged dedicated to opposing non-Islamic governments with brutal force and terrifying violence. This organization grew out of "mekhtab al khidernat" (the "Azzam Service Center") organization which maintained offices in Peshawar, Pakistan, and received funds from Islamic charities, wealthy Saudi families, mosques, legitimate businesses and criminal enterprises, among others.

16. Under the leadership of Osama Bin Laden ("Bin Laden"), among others, the Azzam Service Center expanded, created terrorist cells in various parts of the world, financed and supported other terrorist groups dedicated to committing acts of violence, murder, destruction and mayhem. From approximately 1989 until the present, this terrorist group called itself "al Qaeda".

17. In the early 1990's, the government of Sudan sent overtures to Osama Bin Laden and al Qaeda officials, inviting the group to relocate en mass from Afghanistan to the Sudan. The representatives of the Sudanese government promised the support of their government should al Qaeda relocate.

18. The government of Sudan is run by President Field Marshall Omar Hassan al-Bashir, the head of state of the Sudan, through an alliance of the military and the National Congress Party, formerly the National Islamic Front (NIF).

19. In or about 1991, the leadership of al Qaeda, including Bin Laden, relocated to the Sudan. Al Qaeda was headquartered in the Sudan from approximately 1991 until approximately

1996.

20. From approximately 1991 to 1996, Bin Laden resided at a large villa in Khartoum, Sudan, with an office and guesthouse. During this time, the Sudanese government provided security for al Qaeda consisting of Sudanese men dressed in army fatigues and jeeps with Sudanese army license plates.

21. At various times between 1991 and 1996, Al Qaeda, under the direction of Bin Laden, stated privately to al Qaeda members that they should put aside differences with Shiite Muslim terrorist organizations, including the Government of the Islamic Republic of Iran and its affiliated terrorist group Hezbollah.

22. The Islamic Republic of Iran chose Lebanon as a destination for the implementation of the Islamic revolution due to its strong ties between the shi'ite community of Lebanon and Iran. Based on the ideological and spiritual allegiance with Lebanon the Islamic Republic of Iran had a key role in the foundation of Hezbollah.

23. Hezbollah is an organization of Lebanese Muslims who are adherents of the Shia or Shiite faction of Islam. It represents itself as "an Islamic freedom fighting movement" which views any part of the Near East under the control of the State of Israel as "occupied land". Hezbollah advocates the expulsion of the United States from the Near East and is committed to violent action to that end and to the termination of the existence of the State of Israel.

24. Hezbollah has been designated by the United States as a Specially Designated Terrorist continuously since 1995, as a Foreign Terrorist Organization since 1997, and as a Specially Designated Global Terrorist since 2001.

25. The ties between Hezbollah and Iran are evidenced by their interpersonal religious channel, frequent meetings between Hezbollah's leaders and Iranian officials, politicians and

delegates and financial, organizational and military connections.

26. Defendant Iranian Revolutionary Guards Corps played a substantial role in the establishment of Hezbollah as explained by Na'im Qasem, one of the founders of Hezbollah: "upon its foundation, Hezbollah saw a possibility for achieving its goals and aspirations through the backing and reinforcement expressed by the Islamic Republic of Iran. This was manifested through the dispatch of the Islamic Revolutionary Guard of Lebanon in the wake of the Israeli invasion with a mission to train and recruit Lebanese youth willing to combat Israel."

27. From its inception in the early 1980's until today Hezbollah officials maintain close relationships with official representatives in Iran's embassies in Beirut and Damascus as well as Iranian Revolutionary Guards officials.

28. An official connection between Iran and Hezbollah exists as currently, the nine member Shura council of Hezbollah, the representatives responsible for translating the political decisions made by the council into operative decisions, consists of two government-appointed Iranian clerics.

29. Essam Al Riddi ("Al Riddi"), a pilot for Bin Laden, discussed the possibility of Al Riddi transporting stinger missiles from Pakistan to the Sudan. Bin Laden assured Al Riddi that the Sudanese intelligence agencies would cooperate with the weapons transfer.

30. Sudanese intelligence officers were organized into a "delegation office" to meet the needs of the al Qaeda group in the Sudan. This delegation office provided security for Al Qaeda and facilitated the movement of weapons in and out of the country.

31. President al-Bashir provided a letter to Bin Laden explicitly approving of the presence of al Qaeda in the Sudan. The letter allowed al Qaeda members to bypass tax and customs collection on international shipments and guaranteed their shipments, both incoming

and out-going, would not be inspected.

32. Weapons and explosive shipments to al Qaeda were moved through a quay, protected by the Sudanese military in Port Sudan, into a barracks used by Sudanese armored and mechanized infantry. The letter from al-Bashir allowed shipments from overseas to bypass inspection at a port and then travel to Khartoum without inspection by local police.

33. The Sudanese government employed al Qaeda to manufacture chemical weapons in a section of Khartoum called Hilat Koko, for use in the genocidal campaign in southern Sudan. Al Qaeda entered into a transaction to purchase uranium through the former President of the Sudan. The quality of the uranium was tested in Hilat Koko.

34. At various times between 1991 and 1996, Mamdouh Mamud Salim ("Salim"), an al Qaeda operative, met with Iranian religious officials to arrange an agreement between al Qaeda, the National Islamic Front (NIF) of Sudan, and elements of the Government of Iran to work together against the United States, Israel and other western countries.

35. As a result of those meetings, al Qaeda forged alliances with the NIF and with representatives of the government of the Islamic Republic of Iran, and its associated terrorist group Hezbollah, for the purpose of working together against their perceived common enemies in the West, particularly the United States.

36. The NIF, under the leadership of Hasm al-Turabi ("Turabi") intensified its domination of the government of Sudanese President General Bashir. The NIF organized its own militia and maintained ties to Iran, including its visit to Iranian President Rafsanjani in December 1991 and a high level Sudanese military delegation visit to Teheran, Iran during the summer of 1992.

37. Following discussions between al Qaeda and Iranian leaders in Sudan, senior Al

Qaeda operatives and trainers traveled to Iran to receive training in explosives. In the fall of 1993, a delegation of al Qaeda operatives traveled to Lebanon for further training in explosives, intelligence and security from the Iranian Revolutionary Guards.

38. Bin Laden expressed particular interest in Iran's knowledge of advanced explosives such as truck bombs that were used to kill 241 United States Marines in Lebanon.

39. Iran established Sudan terrorist training bases operated by the Islamic Revolutionary Guards, primarily through its Quds Force, that trained the Sudanese as well as other operatives.

40. The Quds (Jerusalem) Force is one of five branches of the Islamic Revolutionary Guards, the strongest military-security body in Iran and the regime's main support. The Quds Force was established at the beginning of the 1990's and is an elite unit numbering in the thousands. The Quds Force activities range from establishing educational systems for indoctrination and civilian infrastructures supporting Iran and its radical ideology through operating armed terrorist and guerilla cells and acting to subvert secular, pro-Western Arab-Muslim regimes.

41. Iran maintained its presence in Sudan by providing arms, instructors and funds to train al Qaeda forces located within Sudan. Hezbollah and Iranian officials provided intelligence and security training to al Qaeda operatives, in Sudan and Lebanon, throughout 1991 to 1993. Iran also provided al Qaeda with explosives designed to look like rocks.

42. The Quds Force provided training in the use of explosives, assassinations and kidnapping to terrorist organizations, including al Qaeda,

A. Embassy Bombing in Nairobi, Kenya

43. In or about 1993, various members of al Qaeda, began to establish businesses and

residences in Nairobi, Kenya.

44. In 1993, Osama Bin Laden asked Ali Mohamed to set up an al Qaeda cell in Nairobi, Kenya. Mohamed responded by setting up a cell of a dozen operatives.

45. In late 1993, Bin Laden instructed Ali Mohamed to scout out possible United States targets in Nairobi, Kenya for a possible terrorist attack. Mohamed later confessed that he took pictures, drew diagrams and wrote a report that he presented to bin Laden and top al Qaeda advisors in Sudan.

46. Based on the photographs provided by Mohamed, Bin Laden pointed to where a truck could be used as a suicide bomber at the United States Embassy in Nairobi, Kenya.

47. According to an article published in the San Francisco Chronicle on September 21, 2001, United States Federal Bureau of Investigation (FBI) traced phone calls from Mohamed's California residences to Bin Laden associates in Nairobi, including bin Laden's personal secretary Wadih El-Hage ("El-Hage").

48. El-Hage moved to Sudan in 1992 to work as Bin Laden's personal secretary and later moved to Nairobi, Kenya to run an al Qaeda cell in charge of a sham charity called "Help Africa People".

49. Bin Laden relocated al Qaeda to Afghanistan in 1996 and actively recruited Iranian members. Iranian border officials were instructed by Defendants not to stamp the passports of individuals heading from Iran to Afghanistan in order to help al Qaeda use the passports of their members who may be killed on the front lines. Al Qaeda had continuous contact with Iranian security officials and Hezbollah, including advice and training, continued after Bin Laden's return to Afghanistan.

50. In February 1998, al Qaeda endorsed a *fatwah* under the banner of the

“International Islamic Front for Jihad on the Jews and Crusaders.” This *fatwah*, published in the publication of *Al-Quds al-Arabi* on February 23, 1998, stated that Muslims should kill Americans – including civilians – anywhere in the world where they can be found.

51. In or about June 1998, Mohamed Rashed Daoud Al-Owhali (“Owhali”) and another Al Qaeda representative filmed a videotape to celebrate their anticipated “martyrdom” in a bombing operation to be conducted against the United States interests in East Africa.

52. In or about late June or early July 1998, al Qaeda representatives Fahid Mohammed Ally Msalam (“Msalam”) and Sheikh Ahmed Salim Swedan (“Swedan”) purchased a Toyota Dyna truck in Mombasa, Kenya, and made alterations to the back of the truck.

53. On or about July 31, 1998, Owhali, traveled from Pakistan to Nairobi Kenya.

54. In or about early August 1998, Abdullah Ahmed Abdullah (“Abdullah”), Mohamed Sadeek Odeh (“Odeh”) and other members of al Qaeda traveled from Mombasa, Kenya to Nairobi, Kenya.

55. During the first week of August 1998, Abdullah, Fazul Abdullah Mohammed (“Mohammed”) and Owhali, met at a villa located in Nairobi, Kenya to make final preparations for the bombing of the United States Embassy.

56. On August 7, 1998, beginning at approximately 9:30 a.m. local time, Mohammed, drove a pick-up truck to the vicinity of the United States Embassy while Owhali rode in the Toyota Dyna that contained a large bomb, to the United States Embassy in Nairobi, Kenya.

57. On August 7, 1998, at approximately 10:30 a.m. Owhali got out of the Toyota Dyna as it approached the rear of the Embassy as another al Qaeda operative drove the truck into the rear of the Embassy while firing a handgun at the windows of the Embassy building.

58. Shortly thereafter, the al Qaeda operative detonated an explosive device within the

vehicle at a location near the rear of the Embassy building causing a total of more than 213 deaths, including Plaintiffs decedents.

59. The Iranian Ministry of Information and Security, the Iranian agents in operation control of Hezbollah, operated with high level technical expertise in the use of explosives which would not have been available to al Qaeda operatives in the absence of Iranian participation.

60. At the time of the terrorist attack on the United States Embassy, Plaintiffs and/or Plaintiffs decedents were United States citizens, United States nationals, and/or employed by the Government of the United States and working under the scope of his/her employment and/or an individual performing a contract awarded by the United States government acting within the scope of the employee's employment at the time of the explosion.

61. On August 6, 1998, one day before the attack on the Embassy of Nairobi was carried out, the Islamic Republic of Iran withdrew all of its diplomatic personnel from Nairobi.

62. On August 11, 1998, the Islamic Liberation Army of the People of Kenya, an offshoot of al Qaeda, issued a statement in Arabic from London, England, taking responsibility for the Embassy bombing in Nairobi.

63. On August 20, 1998, by Executive Order 13099, United States President William Clinton modified the Annex to Executive Order 12947 designating Bin Laden and key al Qaeda operatives as individuals who threaten to disrupt the Middle East peace process.

64. On October 18, 2001, four al Qaeda members including Owhali, Odeh, and El-Hage were sentenced to life without parole for their role in the 1998 Embassy bombings in East Africa, including the bombing in Nairobi, Kenya.

B. United States Embassy Bombing in Dar Es Salaam, Tanzania

65. In or about March 1998, al Qaeda operatives Khalfan Khamis Mohamed

(“Khalfan”) and Mustafa Mohamed Fadhil (“Fadhil”) met in Dar Es Salaam, Tanzania and agreed to participate in a “jihad job”.

66. On or about May 4, 1998, Khalfan applied for a Tanzanian passport in the name of Zahran Nassor Maulid.

67. In June 1998, Khalfan and Fahid Mohammed Ally Msalam (“Msalam”) purchased a white Suzuki Samurai at a location in Dar Es Salaam and rented a house in the Ilala District of Dar Es Salaam, Tanzania.

68. Throughout the summer of 1998, Fadhil, Khalafan, Msalam and Ahmed Khalfan Ghailani (“Ghailani”) met at a residence on Amani Street in Dar Es Salaam to discuss the bombing of the United States Embassy in Tanzania.

69. In or about July 1998, Ghailani and Ahmed Salim Swedan (“Swedan”) purchased a 1987 Nissan Atlas truck in Dar Es Salaam, Tanzania, arranged for mechanical and welding work on the truck, and purchased two large truck batters, oxygen, and acetylene tanks.

70. In July 1998, Mohamed Sadeek Odeh (“Odeh”) was advised by Ahmed Mohamed Hamed Ali (“Ali”) that Bin Laden had formed a united front against the United States with other Islamic extremist groups.

71. Prior to August 2, 1998, Abdullah Ahmed Abdullah (“Abdullah”) provided Odeh with a false passport to facilitate his travel to Afghanistan for the purpose of meeting with Bin Laden and other al Qaeda operatives.

72. During the last week of July and first week of 1998, Fadhil, Khalfan, Msalam and another operative known as “Ahmed the German” met at a residence in the Ilala District of Dar Es Salaam to make final preparations for the bombing of the United States Embassy in Tanzania.

73. In July or August 1998, Khalfan, Msalam, Ghailani, Fadhil, and others loaded

boxes of TNT, cylinder tanks, batteries, detonators, fertilizer and sand bags into the back of the 1987 Nissan Atlas Truck.

74. At approximately 10:40 a.m. on August 7, 1998, “Ahmed the German” detonated an explosive device located within the 1987 Nissan Atlas in the vicinity of the United States Embassy in Dar Es Salaam, Tanzania. The explosion severely damaged the United States Embassy and resulted in the death of at least 11 persons and injured at least 85.

75. Plaintiffs’ and/or Plaintiffs’ decedents death and injuries were caused by a willful and deliberate act of terror by al Qaeda, acting under direct and indirect sponsorship and/or direction, and with the direct material support and resources of the Defendants.

76. In the early hours, prior to the bombing, facsimiles were sent to London, England, claiming responsibility for the embassy bombings in the name of the “Islamic Army for the Liberation of the Holy Places, which claimed that the Dar Es Salaam bombing was carried out by an Egyptian national.

77. Khalfan, Fadhil, Msalam, Ali, Ghailani, Swedan, and Ahmed the German were members of al Qaeda and perpetrated the bombing of the United States Embassy in Dar Es Salaam, Tanzania at the direction of and/or on behalf of al Qaeda. Throughout August 7, 2008 and August 8, 2008, two al Qaeda operatives Adel Abdel Bary (“Bary”) and Ibrahim Eidarous (“Eidarous”) participated in the dissemination of claims of responsibility for the bombings of the United States Embassies in Dar Es Salaam.

78. The actions of the agents and co-conspirators of the Defendants, and those who were substantially aided and abetted by Defendants, as set forth above, inflicted mental distress upon the families of the Plaintiffs. The material support rendered to co-conspirators of the Defendants, and those who were substantially aided and abetted by Defendants, fits within the

definition of material support as described by 18 U.S.C. § 2339 (A).

79. The formation of Hezbollah and its emergence as a terrorist organization was the product of direct intervention by Iranian operatives, including the Iranian Revolutionary Guards, the Quds Force and the Iranian Ministry of Information. al Qaeda was financed, technologically supported and/or commanded by Iranian military and intelligence operatives, including Hezbollah.

COUNT I

CLAIM OF PLAINTIFFS 1, 7, 9, 12, 16, 25, 34, 39, 42, 43, 48, 51, 58, 59, 63, 66, 73, 79, 85, 90, 95, 99, 105, 106, 107, 108, 109, 111, 112, 113, 114 and 115
WRONGFUL DEATH IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 1605 and § 1605A AS AMENDED AND 16 D.C. CODE § 16-2701.

80. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

81. On August 7, 1998, when the explosive device described above was detonated, Plaintiffs decedents were employees of the United States government working at the United States Embassy in Nairobi, Kenya that suffered fatal injuries resulting in death. The death of Plaintiffs decedents was caused by a willful and deliberate act of extra judicial killing. The Defendants, through their agents, financed the attack and rendered material support to the activities of al Qaeda that resulted in the serious injuries and deaths of Plaintiffs decedents. Those agents were at all times acting within the scope of their agency and acted on the direction of the Defendants, the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Revolutionary Guards Corps and the Iranian Ministry of Information and Security.

82. The beneficiaries of Plaintiffs, as a direct and proximate consequence of the actions of the Defendants described above, for which the Defendants are vicariously, jointly and

severally liable suffered pecuniary loss, including assistance to the beneficiaries, the loss of future earnings and accretions to the Estates and the funeral and burial expenses.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Revolutionary Guards Corps, and the Iranian Ministry of Information and Security, in the amount of TEN MILLION DOLLARS (\$10,000,000.00) plus costs.

COUNT II
CLAIM OF PLAINTIFFS 1, 7, 9, 12, 16, 25, 34, 39, 42, 43, 48, 51, 58, 59, 63, 66, 73, 79, 85,
90, 95, 99, 105, 106, 107, 108, 109, 111, 112, 113, 114 and 115
SURVIVAL CLAIM 12 D.C. Code § 12-101 AND 28 U.S.C. § 1605A

83. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

84. Decedents, from the time of injury to death thereafter, suffered extreme bodily pain and suffering as a result of the actions described above which were undertaken by the agents of the Defendants, and the Decedents have suffered damages.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Revolutionary Guards Corps and the Iranian Ministry of Information and Security, in the amount of TEN MILLION DOLLARS (\$10,000,000.00) plus costs.

COUNT III
CLAIM OF PLAINTIFFS 1 through 115
SOLATIUM CLAIM PURSUANT TO 28 U.S.C. § 1605A AND IN
ACCORDANCE WITH THE FEDERAL AND STATE COMMON LAW FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

85. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

86. As a direct consequence of the actions of the Defendants, the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran the Iranian Ministry of Information and Security, the Iranian Revolutionary Guards Corps, and the Quds Force, Plaintiffs have suffered extraordinary grief and mental anguish, in that the Defendants, acting through their agents and by their conduct intended through infliction of physical injury resulting in the serious injury and death upon Decedents to cause severe emotional distress upon Plaintiffs.

87. The conduct described above was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community and the emotional distress suffered by Plaintiffs was so severe that no reasonable person could be expected to endure it.

88. As a direct and proximate result of the intentional infliction of emotional distress and extreme and outrageous actions of Defendants, Plaintiffs have suffered damages.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs.

COUNT IV

CLAIM OF PLAINTIFFS 1, 7, 9, 12, 16, 25, 34, 39, 42, 43, 48, 51, 58, 59, 63, 66, 73, 79, 85, 90, 95, 99, 105, 106, 107, 108, 109, 111, 112, 113, 114 and 115
PUNITIVE DAMAGES PURSUANT TO 28 U.S.C. § 1605A

89. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

90. The actions of the Defendants, carried out by their agents as described above, were malicious, willful, unlawful and in wanton disregard of life and the standards of law that govern the actions of civilized nations. The loss of life as above described was intended as a result by each Defendant. The Decedents were not engaged in war or in police duties. The actions of those who carried out the attack described were within the scope of their agency on behalf of the Defendants. In accordance with the provisions of 28 U.S.C. § 1605A, the estates of decedents is thereby entitled to punitive damages.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Revolutionary Guards Corps and the Iranian Ministry of Information and Security, in the amount of TWO HUNDRED AND FIFTY MILLION DOLLARS (\$250,000,000.00) plus costs.

COUNT V

CLAIM OF PLAINTIFFS 116 through 213
PURSUANT TO 28 U.S.C. § 1605A AND IN ACCORDANCE WITH
FEDERAL AND STATE COMMON LAW FOR BATTERY

91. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

92. On August 7, 1998, members of al Qaeda by use of an explosive device at the

United States Embassy in Nairobi, Kenya and the United States Embassy in Dar Es Salaam, Tanzania, as above described, willfully, violently and forcefully battered and did violence upon the body of the Plaintiffs, United States employees, inflicting severe and permanent injuries upon them resulting in great pain and suffering, which injuries required and continue to require extensive medical treatment, have necessitated the expenditure of funds, inter alia, for hospitals, physician's services, nursing care, and rehabilitation treatment, have deprived the Plaintiffs of earning capacity and have permanently disabled said Plaintiffs. The willful, wrongful, and intentional acts of al Qaeda were funded and directed by Defendants, the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, and constituted a battery upon the person of the Plaintiffs.

WHEREFORE, each of the Plaintiffs demand judgment jointly and severally against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs.

COUNT VI
CLAIM OF PLAINTIFFS 116 through 213
PURSUANT TO 28 U.S.C. § 1605A AND IN ACCORDANCE WITH
FEDERAL AND STATE COMMON LAW FOR ASSAULT

93. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

94. The members of al Qaeda, as above alleged, intentionally and willfully placed the Plaintiffs, in fear and apprehension of harm as a direct result of their actions including the

physical abuse they inflicted upon them. The willful, wrongful, and intentional acts of al Qaeda were funded and directed by Defendants, the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, and the Plaintiffs were injured in that they endured extreme mental anguish, physical injury and pain and suffering.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs.

COUNT VII
CLAIM OF PLAINTIFFS 116 through 213
PURSUANT TO 28 U.S.C. § 1605A AND IN ACCORDANCE WITH
FEDERAL AND STATE COMMON LAW FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS

95. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

96. As a direct and proximate result of the willful, wrongful and intentional acts of al Qaeda members, whose acts were funded and directed by Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, Plaintiffs endured extreme mental anguish and pain and suffering, suffered the loss of the company of their family and friends, and were subjected to intense physical injury, pain, discomfort and inconvenience.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against

Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs.

COUNT VIII
CLAIM OF PLAINTIFFS 116 through 213
PURSUANT TO 28 U.S.C. § 1605A PUNITIVE DAMAGES

97. Plaintiffs repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

98. The actions of the al Qaeda members, as above set forth, were intentional and malicious and in willful, wanton and reckless disregard of Plaintiffs' rights and physical well being. All of the acts of al Qaeda were facilitated by funding, training and support by the Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps. The actions of those who carried out the attack described were within the scope of their agency on behalf of the Defendants. In accordance with the provisions of 28 U.S.C. § 1605A, Plaintiffs are thereby entitled to punitive damages.

WHEREFORE, each of the Plaintiffs demand judgment, jointly and severally, against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWO HUNDRED AND FIFTY MILLION DOLLARS (\$250,000,000.00) plus costs.

COUNT IX
CLAIM OF PLAINTIFFS 214 through 221
PURSUANT TO 28 U.S.C. § 1605A
AND IN ACCORDANCE WITH FEDERAL AND STATE COMMON
LAW FOR BATTERY

99. Plaintiffs, repeat and re-allege each and every allegation set forth above with equal effect as if alleged herein.

100. On August 7, 1998, members of al Qaeda by use of an explosive device at the United States Embassy in Dar Es Salaam, Tanzania, as above described, willfully, violently and forcefully battered and did violence upon the body of the Plaintiffs, United States employees, inflicting severe and permanent injuries upon them resulting in great pain and suffering, which injuries required and continue to require extensive medical treatment, have necessitated the expenditure of funds, inter alia, for hospitals, physician's services, nursing care, and rehabilitation treatment, have deprived the Plaintiffs of earning capacity and have permanently disabled said Plaintiffs. The willful, wrongful, and intentional acts of al Qaeda were funded and directed by Defendants, the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, and constituted a battery upon the person of the Plaintiffs.

WHEREFORE, each of the Plaintiffs demand judgment jointly and severally against Defendants the Republic of Sudan, the Ministry of the Interior of the Republic of the Sudan, the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Revolutionary Guards Corps, in the amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs.

Dated: September 5, 2008

Respectfully submitted,

PLAINTIFFS,
By Counsel

/s/ Mike Miller

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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2008, the foregoing Amended Complaint was electronically filed with the Clerk of the Court using the CM/ECF system.

/s/ Mike Miller

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