

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Jackie Nink Pflug  
7611 Paulsen Dr.  
Eden Prairie, MN 55346

and

Jim Olsen  
7611 Paulsen Dr.  
Eden Prairie, MN 55346

and

Jim Olsen as Friend and Next of Kin of  
Tanner Olsen  
7611 Paulsen Dr.  
Eden Prairie, MN 55346

and

Rylma Nink  
408 Yorkshire  
Pasadena, TX 77503

and

Eugene Nink  
408 Yorkshire  
Pasadena, TX 77503

and

Gloria Nink  
5800 Woodway Dr.  
Apt. #210  
Houston, TX 77057

and

Mary Nink  
351 Oak Ridge Dr.  
Cleveland, TX 77327

CIVIL ACTION NO: \_\_\_\_\_

and

Scott Pflug  
7365 Bridle Curve  
Eden Prairie, MN 55346

and

Patrick Scott Baker  
2450 NW 58<sup>th</sup> Street  
Seattle, WA 98107

and

Jerry Baker  
1165 NW Baker Dr.  
White Salmon, WA 98672

and

Lois Baker  
1165 NW Baker Dr.  
White Salmon, WA 98672

and

Craig Baker  
1413 11th St.  
Anacortes, WA 98221

and

Craig Baker as the Personal Representative  
of the Estate of David Baker  
1413 11th St.  
Anacortes, WA 98221

and

Stacie Baker  
PO Box 127  
Glenwood, WA 98619

and

Patricia A. Henry, Individually, and  
as the Substitute Executrix  
and Successor in Interest of the Estate of  
Scarlett Rogencamp, and as the Executrix  
of the Estate of Hetty E. Peterson  
900 Sagecrest Drive  
Wenatchee, WA 98801

and

Valerie Peterson as the Executor  
The Estate of Vernon W. Peterson  
10121 Spinning Wheel Court  
Fairfax, VA 22032

and

Katharine D. Doris  
P.O. Box 1483  
Friday Harbor, WA 98250

and

Paul G. Peterson  
P.O. Box 612  
Friday Harbor, WA 98250

and

Michelle Y. Holbrook  
729 Vista View Place  
East Wenatchee, WA 98802

Plaintiffs,

v.

Great Socialist People's Libyan  
Arab Jamahiriya a/k/a LIBYA  
Tripoli, LIBYA

and

Libyan Internal Security a/k/a  
al-'Amn al-Dhakhili  
Bab-al-Azizyeh  
Assur Road

Tripoli, LIBYA  
 and  
 Libyan External Security a/k/a  
 al-'Amn al-Khariji  
 Bab-al-Azizyeh  
 Assur Road  
 Tripoli, LIBYA  
 and  
 Mu'ammarr al-Qadhdhafi  
 Supreme Leader of the Great Socialist  
 People's Libyan Arab Jamahiriya  
 Tripoli, LIBYA  
 and  
 Major Abdallah al-Sanusi  
 Chief, Libyan Internal Security  
 Bab-al-Azizyeh  
 Assur Road  
 Tripoli, LIBYA  
 and  
 Ibrahim al-Bishari  
 Chief, Libyan External Security  
 Bab-al-Azizyeh  
 Assur Road  
 Tripoli, LIBYA  
 and  
 SYRIAN ARAB REPUBLIC  
 Damascus, SYRIA  
 and  
 Syrian Air Force Intelligence  
 Kafar Susa Roundabout  
 Damascus, SYRIA  
 and

General Muhammed Al Khuli  
 Chief, Syrian Air Force Intelligence :  
 Kafar Susa Roundabout :  
 Damascus, SYRIA :  
 :  
 Defendants. :  
 ..... :

**COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES**

Plaintiffs bring this action as a related action pursuant to the provisions of the newly enacted Defense Authorization Act for Fiscal Year 2008, Section 1083(c), Pub. L. No. 110-181, §1083, 122 Stat. 3, 338-344 (2008) and 28 U.S.C. § 1602, *et seq.*

Plaintiffs, Jackie Nink Pflug, Jim Olsen, Tanner Olsen, Rylma Nink, Eugene Nink, Gloria Nink, Mary Nink, Scott Pflug, Patrick Scott Baker, Jerry Baker, Lois Baker, Craig Baker, Craig Baker as the Personal Representative of the Estate of David Baker, Stacie Baker, Patricia A. Henry, Individually and as the Substitute Executrix and Successor in Interest of the Estate of Scarlett Rogencamp, and as Executrix of the Estate Hetty E. Peterson, Valerie Peterson as the Executor of the Estate of Vernon W. Peterson, Patricia Katharine D. Doris, Paul G. Peterson, and Michelle Y. Holbrook bring this action pursuant to the provisions of 28 U.S.C. § 1605A(c), seeking compensatory and punitive damages for the personal injuries committed upon Jackie Nink Pflug, Patrick Scott Baker, and Scarlett Rogencamp and for the injury and/or murder of to each of them, as hereinafter set forth.

This action arises out of the hostage taking and injuries of Jackie Nink Pflug, Patrick Scott Baker and the hostage taking, injuries and death of Scarlett Rogencamp carried out as described below acting under the instruction and/or control of the Defendants and/or utilizing the funding, aid and material support provided by the

Defendant governments of Libya and Syria, which each was a designated state sponsor of terrorism and others who support terrorism, and to which actions the Defendants rendered aid, material support and assistance. Plaintiffs state in support of their Complaint and allege as follows:

### **JURISDICTION AND VENUE**

1. Jurisdiction over the subject matter of this case arises under 28 U.S.C. § 1605A, 28 U.S.C. §§ 1330 (a), and 1331.
2. Defendants Great Socialist People's Libyan Arab Jamahiriya (hereinafter "Libya"), al 'Amn-al Dhakhili (hereinafter "Libyan Internal Security Agency"), al-'Amn al Khariji (hereinafter "Libyan External Security Agency"), Syrian Arab Republic (hereinafter "Syria"), and the Syrian Air Force Intelligence are subject to suit in the courts of the United States as sponsors of terrorism and of acts of terrorism committed by the Abu Nidal Organization's activities pursuant to the Foreign Sovereign Immunities Act, as amended, 28 U.S.C. § 1605A, and related statutes.
3. Defendants General Muhammad al-Khuli, Mu'ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari are subject to suit in the courts of the United States pursuant to the Foreign Sovereign Immunities Act, as amended, 28 U.S.C. § 1605A, and related statutes .
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(f)(4).
5. Actions for wrongful death, personal injury and related torts perpetrated by foreign state sponsors of terrorism acting by and through their officials, employees and agents within the meaning of 28 U.S.C. §1605A include causes of action arising out of

the federal counterterrorism statute(s), as committed during the time period when said foreign state was a designated state sponsor of terrorism.

### **THE PARTIES**

6. Plaintiff Jackie Nink Pflug is currently a resident and citizen of the State of Minnesota. At the time of the acts alleged in this Complaint, and throughout her entire lifetime, Jackie Nink Pflug was an American Citizen. Jackie Nink Pflug was, at all pertinent times alleged herein, a victim of “torture” and “hostage taking” as defined in Torture Victims Protection Act (hereinafter “TVPA”), 28 U.S.C. § 1350. She suffered “personal injury” as the result of Defendants’ actions and activities as defined in 28 U.S.C. § 1605A. Plaintiff Jackie Nink Pflug, can sue and be sued in this Court.

7. Plaintiff Rylma Nink is a resident and citizen of the State of Texas. At all times relevant hereto, Rylma Nink was, and is, the mother of Plaintiff Jackie Nink Pflug. Plaintiff Rylma Nink can sue and be sued in this Court.

8. Plaintiff Eugene Nink is a resident and citizen of the State of Texas. At all times relevant hereto, Eugene Nink was, and is, the father of Plaintiff Jackie Nink Pflug. Plaintiff Eugene Nink can sue and be sued in this Court.

9. Plaintiff Jim Olsen is a resident and citizen of the State of Minnesota. On May 25, 1997, Plaintiff Jim Olsen married Plaintiff Jackie Nink Pflug and is currently her husband. Plaintiff Jim Olsen can sue and be sued in this Court.

10. Plaintiff Tanner Olsen is a resident and citizen of the State of Texas.

Plaintiff Tanner Olsen is the son of Plaintiff Jackie Nink Pflug and Plaintiff Jim Olsen, and was born August 6, 1997. Plaintiff Tanner Olsen can sue and be sued in this Court.

11. Plaintiff Gloria Nink is a resident and citizen of the State of Texas. At all times relevant hereto, Gloria Nink was, and is, the sister of Plaintiff Jackie Nink Pflug. Plaintiff Gloria Nink can sue and be sued in this Court.

12. Plaintiff Mary Nink is a resident and citizen of the State of Texas. At all times relevant hereto, Mary Nink was, and is, the sister of Plaintiff Jackie Nink Pflug. Plaintiff Mary Nink can sue and be sued in this Court.

13. Plaintiff Scott Pflug is a resident and citizen of the State of Minnesota. At the time of the incident described herein, Plaintiff Scott Pflug was the husband of Plaintiff Jackie Nink Pflug. Plaintiff Scott Pflug and Plaintiff Jackie Nink Pflug were divorced in October 1988. Plaintiff Scott Pflug can sue and be sued in this Court.

14. Plaintiff Patrick Scott Baker is currently a resident and citizen of the State of Washington. At the time of the acts alleged in this Complaint, and throughout his entire lifetime, Patrick Scott Baker was and is an American Citizen. Patrick Scott Baker was, at all pertinent times alleged herein, a victim of “torture” and “hostage taking” as defined in Section 3 of the TVPA of 1991 , 28 U.S.C. § 1350. He suffered “personal injury” as the result of Defendants’ actions and activities as defined in 28 U.S.C. § 1605A. Plaintiff Patrick Baker can sue and be sued in this Court.

15. Plaintiff Jerry Baker is a resident and citizen of the State of Washington. At all times relevant hereto, Jerry Baker was, and is, the father of Plaintiff Patrick Scott Baker. Plaintiff Jerry Baker can sue and be sued in this Court.

16. Plaintiff Lois Baker is a resident and citizen of the State of Washington. At all times relevant hereto, Lois Baker was, and is, the mother of Plaintiff Patrick Scott Baker. Plaintiff Lois Baker can sue and be sued in this Court.

17. Plaintiff Craig Baker is a resident and citizen of the State of Washington. At all times relevant hereto, Craig Baker was, and is, the brother of Plaintiff Patrick Scott Baker. Plaintiff Craig Baker can sue and be sued in this Court.

18. Plaintiff Craig Baker is the Personal Representative for the Estate of David Baker, and brings this action in his capacity as such. David Baker died in the summer of 1991. At all times relevant hereto, David Baker was a brother of Plaintiff Patrick Scott Baker. Plaintiff Estate of David Baker can sue and be sued in this Court.

19. Plaintiff Stacie Baker is a resident and citizen of the State of Washington. At all times relevant hereto, Stacie Baker was, and is, the sister of Plaintiff Patrick Scott Baker. Plaintiff Stacie Baker can sue and be sued in this Court.

20. At the time of the acts alleged, Scarlett Rogencamp was, and throughout her lifetime, an American citizen. Scarlett Rogencamp was, at all pertinent times alleged herein, a victim of “torture” and “hostage taking” as defined in Section 3 of the TVPA, 28 U.S.C. 1350. She suffered “personal injury” as the result of Defendants’ actions and activities as defined in 28 U.S.C. § 1605A. Said Estate can sue, by and through the Executrix, or its successor, of Scarlett Rogencamp, and be sued in this Court.

21. Plaintiff the Estate of Hetty E. Peterson is a State of Washington Estate. The Estate of Hetty E. Peterson is represented in this action through its Administrator, Patricia A. Henry. The Estate of Hetty E. Peterson can sue and be sued in this Court. In addition, before her death, Hetty E. Peterson was named Executrix of the Estate of Scarlett

Rogencamp in accordance with an Order of the Superior Court of California, County of San Diego, North County Judicial District. At all times relevant hereto, Hetty E. Peterson was the mother of Plaintiff Scarlett Rogencamp. At the time of her death, Scarlett Rogencamp was a resident and citizen of California. Under the terms of Scarlett Rogencamp's will, which has been probated with the Superior Court of California, County of San Diego, North County Judicial District, Mrs. Peterson was the sole beneficiary of Scarlett Rogencamp's estate. Patricia A. Henry, Scarlett Rogencamp's sister, now serves as the substitute Administrator of the Scarlett Rogencamp estate.

22. Hetty E. Peterson was the "successor in interest" to all causes of action that otherwise would belong to the Estate of Scarlett Rogencamp and accordingly may prosecute, in the successor's own name, all such causes of action. California Code of Civil Procedure, §§ 377.10, 377.11, 377.30, 377.31

23. Plaintiff Valerie Peterson is the Executor of the Estate of Vernon W. Peterson, and brings this action in her capacity as such. Vernon W. Peterson died on March 7, 1999. At all times relevant hereto, Vernon W. Peterson was the father of Plaintiff Scarlett Rogencamp. Plaintiff Estate of Vernon W. Peterson can sue and be sued in this Court.

24. Plaintiff Patricia A. Henry is a resident and citizen of the State of Washington. At all times relevant hereto, Patricia A. Henry was, and is, the sister of Scarlett Rogencamp. Plaintiff Patricia A. Henry can sue and be sued in this Court.

25. Plaintiff Katherine D. Doris is a resident and citizen of the State of Washington. At all times relevant hereto, Katherine D. Doris was, and is, the sister of Scarlett Rogencamp. Plaintiff Katherine D. Doris can sue and be sued in this Court.

26. Plaintiff Paul G. Peterson is a resident and citizen of the State of Washington. At all times relevant hereto, Paul G. Peterson was, and is, the brother of Scarlett Rogencamp. Plaintiff Paul G. Peterson can sue and be sued in this Court.

27. Plaintiff Michelle Y. Holbrook is a resident and citizen of the State of Washington. At all times relevant hereto, Michelle Y. Holbrook was, and is, the sister of Scarlett Rogencamp. Plaintiff Michelle Y. Holbrook can sue and be sued in this Court.

28. Defendant Libya was a foreign state that had been designated a state sponsor of terrorism pursuant to § 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. § 2405(j)) and § 620(A) of the Foreign Assistance Act of 1961 (22 U.S.C. § 2371) on December 29, 1979, and remained so designated until 2006; Libya was a designated state sponsor of terrorism during the time of the acts of terrorism described herein as required by 28 U.S.C. § 1605A(a)(2)(A)(i)(I) and (II). Libya at all times pertinent to this action, provided material support and resources to the terrorist organization ANO. ANO, at all times pertinent to this action, operated, among other places, in Libya, Iraq, Lebanon, and Syria and carried out both military style operations and a campaign of terrorism. This terrorist campaign has included, but not limited to, attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, Austria, Italy and various other countries. Libya, through its actions is and/or has been a sponsor of Abu Nidal and ANO within the meaning of 28 U.S.C. § 1605A and Public Law 110-181, Section 1083, by providing it with funding, direction, aid, support and training for its terrorist activities.

29. Defendant Syria is a foreign state that has been designated and remains designated as a state sponsor of terrorism pursuant to § 6(j) of the Export Administration

Act of 1979 (50 U.S.C. App. § 2405(j)) and § 620(A) of the Foreign Assistance Act of 1961 (22 U.S.C. § 2371) since January 19, 1984 as required by 28 U.S.C. § 1605A(a)(2)(A)(i)(I) and (II). Syria at all times pertinent to this action, provided material support and resources to the ANO. ANO, at all times pertinent to this action, operated, among other places, in Libya, Iraq, Lebanon, Syria and carries out both military operations and a campaign of terrorism. This terrorist campaign has included, but not limited to, attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, Austria, Italy and various other countries. Syria, through its actions is and/or has been a sponsor of Abu Nidal, within the meaning of 28 U.S.C. § 1605A by providing it with funding, aid, support, direction and/or training for its terrorist activities.

30. Defendant Libyan Internal Security (“LISO”) is one of the Libyan intelligence services through which Libya sponsored Abu Nidal, which caused the terrorist acts described below.

31. Defendant Libyan External Security (“LESO”) is one of the Libyan intelligence services through which Libya sponsored Abu Nidal, which caused the terrorist acts described below.

32. Defendant Mu’ammarr al Qadhdhafi is the leader of Libya and performed acts within the scope of his office, which caused the terrorist acts described below.

33. Defendant Major ‘Abdallah al-Sanusi was the head of the Libyan Internal Security Agency and performed acts within the scope of his office, which caused the terrorist acts described below.

34. Defendant Ibrahim al-Bishari was the head of the Libyan External Security Agency and performed acts within the scope of his office, which caused the terrorist acts described below.

35. Defendant Syrian Air Force Intelligence is the Syrian intelligence services through which Syria sponsored Abu Nidal, which caused the terrorist acts described below.

36. Defendant General Muhammed al-Khuli was the chief of the Syrian Air Force Intelligence and performed acts within the scope of his office, which caused the terrorist acts described below.

37. Defendants General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari performed acts within the scope of their offices, which caused the extrajudicial killing and personal injuries resulting from the act of terrorism described herein. Accordingly, said defendants are jointly and severally liable to plaintiffs.

38. Defendants Libya, and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari are directly, and pursuant to 28 U.S.C. § 1605A(c) and state law, vicariously responsible for the actions of their co-defendants because they sponsored the terrorist organization, ANO. Accordingly, defendants are jointly and severally liable to plaintiffs for the acts complained herein.

**DEFENDANTS' SPONSORSHIP AND SUPPORT FOR  
THE ABU NIDAL ORGANIZATION**

39. The government of Libya and also separately the government of Syria sponsored and supported the Abu Nidal Organization, a/k/a Black September, the Fatah Revolutionary Council, the Arab Revolutionary Council, the Arab Revolutionary Brigades, the Revolutionary Organization of Socialist Muslims, (hereinafter "ANO") a known terrorist organization, headed by Sabri Al Bana, prior to and on November 23, 1985, the date of the hijacking of Egypt Air Flight 648.

40. The substantial material support to and sponsorship of the ANO by the government of Libya included, but not limited to, assisting and/or providing the following:

- a. funds,
- b. facilities,
- c. airline tickets,
- d. free and unobstructed entry into, safe haven in, and exit from Libya by members of ANO,
- e. terrorist training in Libyan camps,
- f. use of the privilege of Libya's "diplomatic pouch",
- g. use of Libya's diplomatic freight privileges,
- h. official documents of all kinds, and
- i. actual operational assistance in pre-positioning of people and supplies for the conduct of the hijacking of Flight 648.

41. On two separate occasions shortly prior to the hijacking event, one or more of the hijackers met in Athens with a Libyan government official regarding the

planned hijacking. In addition, without the support provided by and involvement of this Libyan official, this particular terrorist event would not have taken place.

42. More specifically, in this particular instance the government of Libya supported this operation by, among other things:

- a. providing at least some of the ANO hijackers with Tunisian passports, which allowed the hijackers to travel and
- b. transporting to Athens by Libyan government representatives in its “diplomatic pouch” the weapons used by the ANO hijackers to pre-position the weapons in Athens for pick up at the Athens Airport by the ANO resident agent.

43. The ANO resident agent then passed the weapons and other support material to the ANO “cut-out,” who then passed the weapons and materials to an ANO leader, who then provided the weapons and support material to the ANO hijackers.

44. Once the hijackers departed on the Egypt Air flight, the ANO cut-out and the ANO leader, both of whom had been brought to Greece for their particular task, left Greece.

45. The sponsorship by the government of Syria included, among other things, the providing of training in Syrian sponsored ANO terrorist training camps, military and general intelligence, safe haven and free passage in and through Syrian controlled territory.

46. Syria provided general material support to the ANO by providing ANO with funds, travel documents, training, aid, support and protection at several facilities, including those located in the Bekaa Valley, in or near Syria and Lebanon. Syrian

military and government intelligence agents were present around the ANO terrorist training camp maintained in the Syrian controlled Bekaa Valley located in Lebanon.

47. The Defense Intelligence Agency of the United States Department of Defense, and other intelligence agencies of the United States government, as well as the United States Department of State determined that the hijacking of the Egypt Air Flight 648 on November 23, 1985 was conducted by members of the terrorist organization known as the ANO, and that the organization and act were sponsored by (a) the government of Libya, which provided general and specific material support for ANO, thereby enabling ANO to commit this hijacking; and that the ANO was also sponsored by (b) the government of Syria, which provided general material support for ANO and its terrorist members

48. The providing of material support for the ANO, a known terrorist organization, by the government of Libya and the government of Syria, acting directly and by and through their individual governmental representatives as named in the complaint, and by other representatives of the government, constitute violations of applicable and numerous United States laws, thereby rendering the government of Libya, and the government of Syria, and their individual governmental representatives named as defendants herein jointly and severally liable for their illegal acts and deeds.

#### **FACTUAL ALLEGATIONS**

49. On or about November 13, 1985, an ANO operative, Omar Rezaq ("Rezaq"), traveled from Beirut to Athens, Greece, for the express purpose of participating in an ANO mission to hijack an airplane.

50. On November 23, 1985, three (3) ANO operatives, one of whom was Rezaq, boarded Egypt Air Flight 648, having used illegal passports provided to them for the purpose of accomplishing the mission of hijacking the plane.

51. On November 23, 1985, Egypt Air Flight 648 had taken off from Athens, Greece, and headed in a southeasterly direction towards Cairo, Egypt, its planned destination.

52. On board was a typically multinational and multicultural mix of passengers, including, but not limited to, Egyptians, Greeks, Filipinos, Israelis and three (3) Americans.

53. The three (3) Americans on Flight 648 were decedent Scarlett M. Rogenkamp, Plaintiff Jackie Pflug and Plaintiff Patrick Baker.

54. Some minutes into the flight, terrorists from the ANO hijacked the plane, contrary to law, and placed the passengers in great danger and fear for their lives. The hijackers used weapons provided by Libyan government agents which had been transported in Libyan diplomatic pouch(es).

56. After a mid-flight shootout between an Egyptian Sky Marshall and one of the hijackers, which resulted in the death of a hijacker, the wounding of the Sky Marshall, and two stewardesses, as well as the piercing of the fuselage, Flight 648 was diverted to Malta.

57. At first, the tower at Malta's International Airport refused to let Flight 648 land, but authorities relented after Captain Galal told them that the plane was in imminent danger of crashing into the sea because he was nearly out of fuel.

58. Even so, the runway lights were still off and Galal, with a gun barrel at his head, had to rely on his plane's landing lights to pierce the darkness as he landed at Malta's International Airport, which placed the passengers in further great danger and fear for their lives.

59. The tower ordered Flight 648 to taxi to a remote parking area; four police buses then blocked both ends of the runway.

60. The terrorists demanded that the airport authorities of Malta refuel the plane.

61. The airport authorities of Malta refused to comply with the terrorists' demands.

62. At that time, the terrorists threatened to shoot a passenger every fifteen minutes unless the Maltese agreed to refuel the plane.

63. The passengers had been instructed to surrender their passports and were separated by country with Americans and Israeli's placed in First Class.

64. Meanwhile, in a response to an appeal from the pilot, the terrorists agreed to release eleven women; seven Filipinos and four Egyptians.

65. Thereafter, the terrorists asked for the two Israeli women to identify themselves.

66. Thinking that she too would be released, Tamar Artzi rose from her seat and went to the front of the aircraft. At that time, one of the terrorists aimed his pistol at her head and pulled the trigger. Thinking that Ms. Artzi was dead or mortally wounded, the terrorists threw her out of the plane and onto the tarmac.

67. At this point, it being abundantly clear to the remaining passengers, including plaintiffs Scarlett Rogencamp, Jackie Nink Pflug and Scott Patrick Baker, the terrorists

were not just going to let everyone go, but that they intended to kill people and to kill them.

68. Having just witnessed her friend being shot, Nitzan Mendelson, the second and last Israeli citizen on the plane, did not identify herself. Unfortunately, the terrorists were able to identify her from her passport photo.

69. With her hands tied, Nitzan Mendelson was dragged to the open doorway, where she was shot in the head and thrown onto the runway.

70. Ms. Mendelson never regained consciousness and was pronounced dead three days later. Ms. Artzi miraculously recovered from her injuries.

71. Next on the terrorists agenda were the three American passengers.

72. One by one, each of the Americans were brought to the front of the plane where they were shot in the head and thrown out of the plane onto the tarmac.

73. Patrick Scott Baker was the first American to be shot and thrown from the plane onto the tarmac. While he was injured and laying on the tarmac, the hijackers actually carried Patrick back up the stairs only to shoot him again and throw him off of the plane again; hoping this time to insure his death. This time Patrick pretended to be dead, and waited for the terrorists to go back inside the plane. At all times, Patrick was in fear for his life and suffered great pain and mental anguish. Patrick survived the assault, battery, shooting, wounding and maiming which he suffered, but has been forced to live with the experience of having been shot in the head, and having been forced to experience the hijacking and to watch as the two Israeli women were shot in the head, knowing he would be next.

74. During this entire time, Scarlett Rogenkamp and Jackie Pflug remained in their seats, knowing that they were the next targets of the terrorists. Each was in great danger and in fear for their lives.

75. The terrorists next called for Scarlett Rogenkamp. Scarlett, like the three prior victims, was shot in the head and tossed from the plane. Scarlett was later pronounced dead

76. Lastly, Jackie Pflug, who had been forced to watch the slaying and maiming of the two Israeli and other two American passengers, and knowing that she was the next to be killed was brought to the front of the plane, where she, too, was brutally and mercilessly shot in the head and thrown from the plane onto the tarmac.

77. While Jackie's injuries were not fatal, they were severe and permanent. Jackie suffers from brain injuries as a direct and proximate result of her having been shot by the terrorists.

78. Each time the leader of the terrorists shot a passenger, he danced and sang and made jokes to his comrades. This joyful dancing while the terrorist murdered and maimed the Israeli and American passengers was witnessed by each passenger as he and she awaited their own fate, in fear for their lives.

79. Egyptian commandos subsequently stormed the plane in an attempt to rescue the passengers twenty-four hours after the hijacking began, while the aircraft was still on the ground in Malta.

80. Unfortunately, in the rescue attempt, 57 other passengers died.

81. During the course of the commando rescue attempt, Rezaq, the leader of the terrorist hijacking, and the gunman that the Plaintiffs believe shot Patrick Baker, Scarlett

Rogencamp, Jackie Pflug and the Israeli women, escaped, but was later captured by the authorities of Malta. Rezaq was convicted and charged with a number of crimes. He served seven years in a jail in Malta, but was then released.

82. In July 1993, special agents of the Federal Bureau of Investigation in Nigeria arrested Rezaq.

83. Rezaq was tried and convicted in the United States on one count of air piracy. Rezaq is currently serving a life sentence in a federal penal institution near Denver, Colorado

84. The United States Department of State, Office of the Historian, Bureau of Public Affairs, in its report of Significant Terrorist Incidents, 1961- 2001, lists the Egyptian Airliner Hijacking of November 23, 1985 as a terrorist act that was conducted by the Abu Nidal Group

85. Background Information on Foreign Terrorist Organizations, released by the Office of Counterterrorism, of the United States Department of State, indicates that the ANO has received considerable support, including safe haven, training, logistic assistance, and/or financial aid from the States of Libya and Syria, each being a Defendant herein.

86. The instances of physical violence inflicted upon Patrick Scott Baker, Scarlett Rogencamp and Jackie Nink Pflug were undertaken intentionally upon them for the purpose of furthering the terrorist objectives of Abu Nidal and the governments of Libya and Syria, and such acts therefore constitute "torture" as defined in the TVPA.

**COUNT I - 28 U.S.C. §1605A(c)**

(All Plaintiffs)

87. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

88. On November 23, 1985, members of the ANO, sponsored by Libya, Syria, their agencies and leaders, willfully, violently and forcefully committed terrorist acts on board Egypt Air Flt 648 with the express purpose of inflicting personal injury, severe pain and suffering, death, and severe emotional injuries upon the Plaintiffs.

89. In addition, the acts of assaulting, terrorizing and holding Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp captive and each and all of the acts set forth above, constituted extreme and outrageous conduct with the intent to inflict emotional distress upon them and emotional distress, including solatium, upon members of their families. Further these acts were undertaken for the purpose of causing severe mental duress and suffering, including solatium damages, upon the members of their families.

90. The willful, wrongful and intentional acts of the Abu Nidal terrorists were sponsored and directed by Libya, and Syria, as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, and Libyan Internal Security Agency.

91. Defendants General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari performed acts within the scope of their offices which sponsored the ANO 's terrorist activities, including but, not limited to the Egypt Air Highjacking.

92. As a direct and proximate result of the willful, wrongful and intentional acts of the ANO members, whose acts were sponsored and directed by Libya and Syria, as

well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari, Plaintiffs Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp were injured and/or killed and they and/or their families endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

WHEREFORE, Plaintiffs, and each of them, on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, and their families demand that judgment be entered, jointly and severally, against Defendants for the damages they suffered, including, but not limited to wrongful death, pain, suffering, mental anguish, and pecuniary losses, in the amount of ONE HUNDRED MILLION (\$100,000,000.00) US Dollars for each of them, on this Count I, and their costs expended; as to each of their, mothers, father, sisters, brothers, daughters, spouses and sons above named, in the amount of TEN MILLION DOLLARS (\$10,000,000.00) for each and every one of them, on this Count I, and for their costs expended and attorneys' fees incurred.

**COUNT II – BATTERY**  
**(Under 28 U.S.C. §1605A(c))**

(Jackie Nink Pflug, Patrick Scott Baker, and Estate of Hetty Peterson, by and through its Administrator, Patricia Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp)

93. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

94. On November 23, 1985, members of Abu Nidal willfully, violently and forcefully seized and hijacked Egypt Air Flight 648. Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp were passengers on said flight and were accordingly seized and

abducted against their will. The willful, wrongful and intentional acts of Abu Nidal were sponsored by Libya, and Syria, as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, and Libyan Internal Security Agency constituted a battery upon the person(s) of Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp causing injury to them as set forth above.

95. Defendants General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari performed acts within the scope of their offices which sponsored Abu Nidal's terrorist activities, including but, not limited to the highjacking of Egypt Air Flight 648.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, demand that judgment be entered, jointly and severally, against the Defendants jointly and severally in the amount of **FIFTY MILLION (\$50,000,000.00) US Dollars** for each of them on this Count II, and their costs expended.

**COUNT III – ASSAULT**  
**(Under 28 U.S.C. §1605A(c))**

(Jackie Nink Pflug, Patrick Scott Baker, Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp)

96. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in paragraphs in all the forgoing paragraphs as if fully set forth herein.

97. During the time Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp were held as hostages by Abu Nidal, their captors intentionally and willfully put them in

fear for their lives and apprehension of harm and injury as a direct result of their constant threats to harm or kill them, and the physical and mental abuse they inflicted upon them.

98. As a direct and proximate result of the willful, wrongful and intentional acts of Abu Nidal members, whose acts were sponsored by Libya and Syria, as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari; Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp were injured in that they endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

**WHEREFORE**, Plaintiffs, on behalf of Jackie Nink Pflug, Patrick Baker and on behalf of the estate and heirs of Scarlett Rogencamp, demand that judgment be entered, jointly and severally, against the Defendants jointly and severally in the amount of **ONE HUNDRED MILLION (\$100,000,000.00) US Dollars** for each of them, on this Count III, and their costs expended.

**COUNT IV – FALSE IMPRISONMENT**  
**(Under 28 U.S.C. §1605A(c))**

(Jackie Nink Pflug, Patrick Scott Baker, Estate of Hetty Peterson, by and through it Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp)

99. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all of the foregoing paragraphs as if fully set forth herein.

100. During the time that Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp and were held in captivity by ANO, they were deprived of their liberty and had no means of escape.

101. As a direct and proximate result of the willful, wrongful and intentional acts of Abu Nidal members, whose acts were sponsored by Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari; Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp were deprived of their freedom and liberty and injured in that they endured extreme mental anguish and pain and suffering, and each was subjected to intense physical injury, pain, discomfort and inconvenience and loss of their freedoms and liberty.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, demands that judgment be entered, jointly and severally, against the Defendants jointly and severally in the amount of **ONE HUNDRED MILLION (\$100,000,000.00) US Dollars** for each of them on this Count IV, and their costs expended.

**COUNT V – INTENTIONAL INFLICTION**  
**OF EMOTIONAL DISTRESS, INCLUDING SOLATUM**  
**(Under 28 U.S.C. §1605A(c))**

(As to All Plaintiffs)

102. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all of the forgoing paragraphs as if fully set forth.

103. The acts of abducting and holding Jackie Nink Pflug, Patrick Baker, and Scarlett Rogencamp captive and each and all of the acts set forth above, including, but not limited to, the holding of each Plaintiff hostage while they witnessed the shooting in the head of other passengers, calling each one up to receive their own bullet into their

heads, constituted extreme and outrageous conduct with the intent to inflict emotional distress upon them and emotional distress, including solatium, pain, suffering and malicious killing and wounding upon each of the hostage victims and upon members of their families. Further, these acts were undertaken for the purpose of causing mental duress and suffering, including solatium, upon the members of their families.

104. As a direct result and proximate result of the willful, wrongful and intentional acts of Abu Nidal, whose acts were sponsored by Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari; Jackie Nink Pflug, Patrick Baker, Scarlett Rogencamp and their families, as above set forth, were each caused to suffer severe emotional distress.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED MILLION (\$100,000,000.00)** US Dollars for each of them, and their costs expended; as to each of their, mothers, father, sisters, brothers, daughters, spouses and sons above named, above in the amount of **TEN MILLION DOLLARS (\$10,000,000.00)** for each and every one of them; and their costs expended.

**COUNT VI – ACTION FOR WRONGFUL DEATH**  
**(Under 28 U.S.C. §1605A(c))**

(Estate of Hetty Peterson, sole beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp, by and through its substitute Administrator, Patricia A. Henry)

105. Plaintiff, the Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, and as the sole beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp, repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth herein.

106. Scarlett Rogencamp's death was caused by a willful and deliberate act of extra judicial killing as she was shot in the head by members of the ANO during the course of their terrorist act of murder against her, as on American citizens, acting under the sponsorship of defendants Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu' ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari.

**WHEREFORE**, Plaintiff the Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the sole beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED MILLION (\$100,000,000.00) US Dollars** on this Count VI, and their costs expended.

**COUNT VII- ACTION FOR SURVIVAL DAMAGES**  
**(Under 28 U.S.C. §1605A(c))**

(Estate of Hetty Peterson, by and through its Administrator Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp)

107. Plaintiff, the Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp, repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs if fully set forth.

108. Before her death, Scarlett Rogencamp suffered extreme bodily pain and mental anguish and suffering, entitling her estate to compensatory damages.

109. Defendants Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu' ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari are directly and/or vicariously responsible for the actions of their co-defendants because they acted as sponsors of the Abu Nidal Organization.

**WHEREFORE**, Plaintiff the Estate of Hetty E. Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED MILLION (\$100,000,000.00) US Dollars** on this Count VII, and their costs expended.

**COUNT VIII – ACTION FOR CIVIL CONSPIRACY**  
**(Under 28 U.S.C. §1605A(c))**

(Patrick Scott Baker, Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp and Jackie Nink Pflug)

110. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

111. Defendants Libya and Syria, as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu' ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari did knowingly and willfully conspire with and/or agree to sponsor a terrorist organization within the meaning of 28 U.S.C. § 1605A, which terrorist organization

willfully and deliberately committed an act of terrorism, which caused the injuries, and/or death of Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp.

112. For the reasons stated above, and having conspired to sponsor the terrorist organization which willfully and deliberately committed an act of terrorism which caused the injuries and/or death of Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp all defendants are jointly and severally liable to plaintiff for all damages in this civil action.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, demand that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED FIFTY MILLION (\$150,000,000.00) DOLLARS** for each of them, and costs expended.

**COUNT IX – ACTION FOR AIDING AND ABETTING**  
**(Under 28 U.S.C. §1605A(c))**

(Patrick Scott Baker, Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp and Jackie Nink Pflug)

113. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

114. Defendants Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu’ammar al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari did knowingly and willfully provide substantial assistance, material support, resources and sponsor a terrorist organization within the meaning of 28 U.S.C. § 1605A, which terrorist organization willfully and deliberately committed an act of terrorism,

which caused the injuries, and/or death of Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp.

115. For the reasons stated above, and having aided and abetted a terrorist organization which willfully and deliberately committed an act of terrorism which caused the injuries and/or death of Jackie Nink Pflug, Patrick Baker and Scarlett Rogencamp all defendants are jointly and severally liable to plaintiffs for all damages in this civil action.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, and their families, demand that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED FIFTY MILLION (\$150,000,000.00) DOLLARS** for each of them, and costs expended.

**COUNT X ECONOMIC DAMAGES**  
**(Under 28 U.S.C. §1605A(c))**

(Patrick Scott Baker, Estate of Hetty Peterson, by and through its Administrator, Patricia A. Henry, as the Sole Beneficiary and Successor in Interest of the Estate of Scarlett Rogencamp and Jackie Nink Pflug)

116. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

117. As a direct and proximate result of the willful, wrongful, intentional, outrageous, reckless and illegal acts of Abu Nidal members, whose acts were sponsored by Libya and Syria as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari; Jackie Nink Pflug, Patrick Baker, Scarlett Rogencamp each incurred economic damages in that

they were deprived of employment and economic opportunities while held hostage, and deprived of future employment and economic opportunities after their release.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, demand that judgment be entered, jointly and severally, against Defendants in the amount of **THIRTY MILLION (\$30,000,000.00) DOLLARS** for each of them, and costs expended.

**COUNT XI – PUNITIVE DAMAGES**  
**(Under 28 U.S.C. § 1605A(c))**

(As to All Plaintiffs)

118. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

119. The actions of Abu Nidal, as above set forth, were intentional and malicious and in willful, wanton and reckless disregard of Jackie Nink Pflug's Patrick Baker's, Scarlett Rogencamp's rights and physical well being. All of the acts of Abu Nidal were facilitated by funding, training, support and sponsorship by Libya and Syria, as well as the Syrian Air Force Intelligence, the Libyan External Security Agency, Libyan Internal Security Agency, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, and Ibrahim al-Bishari.

120. In providing such sponsorship, Libya, Syria, LESO, LISO, Syrian Air Force Intelligence, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, Ibrahim al-Bishari rendered material support to those actually carrying out the acts above described. The Plaintiffs are entitled to an award of punitive

damages and same is hereby requested against the defendants , jointly and severally, in accordance with the provisions 28 U.S.C. 1605A(c)

121. As required by 28 U.S.C. §1605A(c), General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, Ibrahim al-Bishari were acting within the scope of their duties when they supplied, facilitated or authorized the provision of material support to the ANO and the execution of the hijacking of Flight 648, and accordingly Libya and Syria are vicariously liable for the acts of these officials, employees and/or agents.

**WHEREFORE**, Plaintiffs, and each of them, on behalf of on behalf of Jackie Nink Pflug, Patrick Baker and behalf of the estate and heirs of Scarlett Rogencamp, and their families, demand that judgment be entered for each of them, jointly and severally, against the Defendants in the amount of **ONE BILLION US DOLLARS (\$1,000,000,000.00)** for each of them, and their costs expended.

The award of punitive damages, as requested, is to punish Libya, Syria, LESO, LISO, Syrian Air Force Intelligence, General Muhammad al-Khuli, Mu'ammarr al-Qadhdhafi, Major Abdallah al-Sanusi, Ibrahim al-Bishari for their conduct in supporting terrorism and the terrorist murderous acts described herein, and to send a message to them and others that the United States of America and its citizens responds to terror and murder with the application of orderly justice.

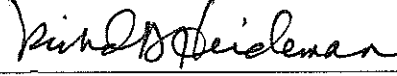
#### **ADDITIONAL RELIEF REQUESTED**

Plaintiffs request leave of Court to amend this Complaint as the interests of justice require.

Dated: March 24, 2008

Respectfully Submitted,

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