



U.S. Department of Justice

Roscoe C. Howard, Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

September 9, 2003

Robert Tucker, Esquire
Assistant Federal Public Defender
625 Indiana Avenue, N.W., Suite 550
Washington, D.C. 20004

David I. Bruck, Esquire
1247 Sumter Street, Suite 201
P.O. Box 11744
Columbia, SC 29211

Re: United States v. Zaid Hassan Abd Latif Safarini, Cr. No. 91-504 (EGS)

Dear Mr. Tucker and Mr. Bruck:

This letter confirms the plea agreement between your client, Zaid Hassan Abd Latif Safarini, also known as Mustafa Hassan Said Bomer, also known as Mustafa (hereinafter referred to as "your client" or "Zaid Safarini"), and the Office of the United States Attorney for the District of Columbia and the Criminal Division of the United States Department of Justice (hereinafter collectively referred to as "the Government" or "the United States"). If your client accepts the terms and conditions of this offer, kindly have your client execute this document in the space provided below. Because this plea agreement involves an agreement by the Government not to seek the death penalty, this plea agreement cannot take effect until and unless authorization is received from the Attorney General of the United States. Upon receipt of such authorization from the Attorney General and upon receipt of the executed document from you and your client, this letter will become the plea agreement. The terms of the offer are as follows:

Charges

1. Your client, Zaid Safarini, agrees to admit guilt and enter a plea of guilty to all 95 counts of the superseding Indictment. The offenses charged in those 95 counts are listed in Appendix A to this plea agreement, which also summarizes the maximum penalty as prescribed by statute for each of these offenses, including any fine, as well as any mandatory minimum penalty for each offense. Your client acknowledges having reviewed the information contained in Appendix A and understanding that information. In addition, your client understands that, pursuant to 18 U.S.C. § 3013(a)(2)(A) (1986), a special assessment of \$50 shall be imposed by the Court for each felony count to which

your client pleads guilty. Your client further understands that, pursuant to 18 U.S.C. §§ 3663 and 3664 (1986), the Court may order your client to make restitution to the victims of his offenses.

2. Appendix B to this plea agreement sets forth the elements of each offense charged in the superseding Indictment. Your client acknowledges having reviewed the information contained in Appendix B and understanding that information. Your client understands that, in order for your client to be found guilty by the jury of any count charged in the superseding Indictment, the jury would have to find that the Government had proven each of these elements beyond a reasonable doubt.

Detention Pending Sentencing

3. Your client agrees not to object to the Government's recommendation to the Court at the time of the plea of guilty in this case that, pursuant to 18 U.S.C. § 3143, your client be detained without bond pending your client's sentencing in this case.

Agreement on Sentencing

4. The parties agree, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure (2003 ed.), that the following sentence on each count is the appropriate disposition of this case, with each sentence to run concurrently, unless indicated otherwise:

Count 1 – 18 U.S.C. § 371 (Conspiracy to Commit Offenses Against the United States): 5 years;

Count 2 – 18 U.S.C. § 2331(b)(2) (Conspiracy to Murder United States Nationals Outside the United States): 45 years;

Counts 3 and 4 – 18 U.S.C. § 2331(a)(1) (Murder of a United States National Outside the United States): life sentence on each count, consecutive to each other and to Count 8, Counts 12 to 87 (collectively) and Count 95;

Count 5 – 18 U.S.C. § 32(a)(1) (Damaging an Aircraft Resulting in Death): life sentence;

Count 6 – 18 U.S.C. § 32(a)(2) (Placing a Destructive Device on an Aircraft Resulting in Death): life sentence;

Count 7 – 18 U.S.C. § 32(a)(5) (Performing an Act of Violence Against an Individual on an Aircraft Resulting in Death): life sentence;