IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALLY CHAND, individually, and as representative for the estate of MICHAEL CHAND SR., BRENDA CHAND, CHRISTINA MAHON, MICHAEL CHAND JR., RYAN CHAND, CYNTHIA PARLIN, SHARONDA ANDERSON, ELI HICKMAN, JENNIFER LINK, JESSICA REW, RYAN HICKMAN, SARA LILLY, SHARON JOHNSTON, TANJA KUHLMEIER, individually, and as representative for the estate of DANIEL KUHLMEIER, KAYA KUHLMEIER, THERESA KUHLMEIER, ROBERT KUHLMEIER, DAVID KUHLMEIER, EDWARD KUHLMEIER, JOHN KUHLMEIER, ROBERT W. KUHLMEIER, THERESA ANNE KUHLMEIER, THOMAS KUHLMEIER, JUDY COLLADO, KAIYA COLLADO, JUSTIN WALDECK, CAROL POLLEY, RONALD VEVERKA, DOUGLAS VEVERKA, KEITH VEVERKA, SANDRA SOLIDAY, NORMA CONTRERAS, JONATHAN CONTRERAS BARAJAS SR., CARLOS CONTRERAS, CESAR CONTRERAS, DANNYEL CONTRERAS, HERNAN CONTRERAS, NOEL CONTRERAS, KARAR ALABSAWI, JUDAS RECENDEZ, BRIAN TAYLOR, MICHELLE TAYLOR, individually, and as representative for the estate of DAVID TAYLOR JR., JACOB TAYLOR, PHYLLIS TAYLOR, JOHN TAYLOR, JAMES GMACHOWSKI, KURTISS LAMB, LISA LAMB, FRANCIS COTÉ, CHRISTOPHER COTÉ, individually, and as representative for the estate of JONATHON COTÉ, NANCY COTÉ, MAXIMILLIAN SHROYER, SAMANTHA DUNFORD, BREE REUBEN, CASEY REUBEN, BEN REUBEN, PATRICK REUBEN, QUINTEN REUBEN, LINDA REUBEN, MARTHA STEWART, MARK MUNNS, CRISTA MUNNS, JOHN YOUNG, SHARON DEBRABANDER, DENNIS DEBRABANDER, ANGELA ALEXANDER as representative for the estate of JOHNNY ALEXANDER, SHAWN RYAN, SANDRA RYAN, AUSTIN RYAN, BARBARA THIEDE, ANGIE RYAN, JASON RYAN, TERESA BECKLEY, WILLIAM RYAN, VICTORIA LANDECK, RICHARD LANDECK, CARRIE THOMPSON, individually, and as representative for the estate of SEAN THOMAS, ALEXA THOMAS, DIANA THOMAS, DANIEL THOMAS SR. DANIEL THOMAS JR., DAVID THOMAS, KELLY GILLIS, MELINDA FLICK, EMMA MCGARRY, JOHN KIRBY, REBEKAH

Case No.: 22-cv-830

JURY TRIAL DEMANDED

KIRBY, ANONA GONELLI, ELIZABETH MURPHY-SWEET, MICHAEL MURPHY-SWEET, LEASA DOLLAR, EUGENE DELOZIER, JARED STEVENS, JEREMY SMITH, ERIN DRUCTOR, KATHLEEN STEPHENS, TRENT STEPHENS, BRITTANI HOBSON, DEREK STEPHENS, RHETT STEPHENS, SUMMER STEPHENS, ROBIN DAVIDSON, CHRISTOPHER PACKER, DANIELLE PACKER, JASON DAVIDSON, ZACHARY DAVIDSON, TAMMIE DENBOER, BRANDEAUX CAMPBELL, RYAN WILSON, JAMI WILSON, DENISE JACKSON, JOHNNY CASTILLO JR., JOYCE CRAIG, AUNDRA CRAIG, ANDRE BROWN, DEBRA COOK-RUSSELL, JONATHAN CRAIG, MICHAEL COOK, VALENCIA COOK, PATRICK TUTWILER, CRYSTAL TUTWILER, MATTHEW MERGELE, TAUSOLO AIETI, TAMMY KINNEY, DANIEL PRICE, TERRI OVERTON, CHRISTOPHER BOUTEN, ERIN BOUTEN, DANIEL DUDEK, MARY NEIBERGER, RICHARD NEIBERGER, AMI NEIBERGER, ERIC NEIBERGER, ROBERT NEIBERGER, BRIAN CASEY, BRITTANY HOGAN, SHELLEY CASEY, RICHARD CASEY, MARTHA LOONEY, MARIO BOWEN, MICHELE WHITE, JOSHUA WOLD, JOSEPH MIXSON, KARON MIXSON, JOSEPH MIXSON JR., ALICIA MIXSON, MARICEL MURRAY, JERRY MURRAY, W. ANN MEULI, LESLIE HARDCASTLE, J.R. by and through his next friend Leslie Hardcastle, W. JEAN REEVES, JAMES REEVES, JARED REEVES, JONI LITTLE, SHERRI HOILMAN, ANITA BAKER, JANET RIOS, JENNIE ARDOIN, individually, and as representative for the estate of RANDELL OLGUIN, JOSE OLGUIN, BRIDGET JUNEAU, individually, and as representative for the estate of WILLIAM JUNEAU, STEPHANIE JUNEAU, MELISSA DOHENY, ROBERT KUGLER, TANYA EVRARD, BILLY JOHNSON, ELENA SHAW, CASEY SHAW, EMILY SHAW, LILLY-BEAN SHAW, MICHAEL LUKOW, RIKKI LUKOW, BRUCE LUKOW, ANDREW LUKOW, JOSEPH LUKOW, KRISTEN KELLEY, MICHELLE WEST, PATRICK HANLEY, EDWARD HANLEY, KIMBERLY MILLER, DANA SVENSON, CARL REIHER, JASON ROBINSON, FRANCES ROBINSON, EMILY ROBINSON, MICHAEL WEATHERLY, WILLIAM WEATHERLY, GRANT VON LETKEMANN II, KELLY VON LETKEMANN, RACHELLE IDOL, JENNINE VAUGHN, JAMES VAUGHN, VIRGINIA BILLITER, ERIC BILLITER, LANI

BOGART, LUIS ROSA-VALENTIN, MILINDA ROSA, LUIS ROSA-ALBERTY, ALEX ROSA-VALENTIN, ILIANA ROSA-VALENTIN, MARK THOMSEN, ARDELL THOMSEN, RALPH THOMSEN, ANTHONY FARINA, KATHLEEN PIRTLE, DAVID WOODARD, D.W. by and through his next friend David Woodard, SUSAN ARNOLD, individually, and as representative for the estate of RONALD TUCKER, DAISY TUCKER, SAMANTHA TUCKER, BRANDON ARNOLD, DAVID ARNOLD, COLLEEN CZAPLICKI, JOHN DAGGETT, KENDALL RASMUSSON, DONNA FARLEY, CAMERON FARLEY, CHRISTOPHER FARLEY, BRETT FARLEY, DAVID FARLEY, NOEL S. FARLEY, VICKIE MCHONE, individually, and as representative for the estate of BARBARA FARLEY, and as representative for the estate of NOEL J. FARLEY, DAVID IVERSON, KARA CONNELLY, JEAN DAMMANN, KEVIN CONNELLY, MARK DAMMANN, JAMES CONNOLLY, ANTHONY GERBER, CHARLES GREGSTON, ADAM MAGERS, LUIS GARZA,

Plaintiffs,

v.

MTN IRANCELL TELECOMMUNICATIONS SERVICES COMPANY, MTN GROUP LIMITED, PHUTHUMA NHLEKO, and IRENE CHARNLEY,

Defendants.

AMENDED COMPLAINT FOR
VIOLATIONS OF THE ANTI-TERRORISM ACT

Ryan R. Sparacino (D.C. Bar No. 493700)
Geoffrey P. Eaton (D.C. Bar No. 473927)
Eli J. Kay-Oliphant (D.C. Bar No. 503235)
Adam J. Goldstein (*pro hac vice*)
Shuman Sohrn (D.C. Bar No. 90010140)
SPARACINO PLLC
1920 L Street, NW, Suite 835
Washington, DC 20036
Tel: 202.629.3530
ryan.sparacino@sparacinopllc.com
geoff.eaton@sparacinopllc.com
eli.kay-oliphant@sparacinopllc.com
adam.goldstein@sparacinopllc.com
shuman.sohrn@sparacinopllc.com

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INTRODUCTION

1. This lawsuit seeks damages under the federal Anti-Terrorism Act (the "ATA") on behalf of American service members and civilians, and their families, who were killed or wounded while serving their country in Iraq between 2006 and 2010. Plaintiffs seek to hold defendant MTN Group Limited ("MTN Group"), a South African telecommunications (or "telecoms") firm, and three defendants associated with MTN Group (Irancell Telecommunications Services Company, d/b/a MTN Irancell ("Irancell"), Phuthuma Nhleko, and Irene Charnley) (collectively, "Defendants") accountable for the acts of international terrorism that killed or injured Plaintiffs.

2. This lawsuit also seeks civil damages under the ATA as amended by the Justice Against Sponsors of Terrorism Act ("JASTA"), Pub. L. No. 114-222, 130 Stat. 852 (2016), which entitles any U.S. national injured by reason of an act of international terrorism committed, planned, or authorized by a designated Foreign Terrorist Organization ("FTO") to recover against any person "who aids and abets, by knowingly providing substantial assistance," or "who conspires with" the person who committed the act. 18 U.S.C. § 2333(a), (d)(2). As Congress's findings explain, JASTA seeks "to provide civil litigants with the broadest possible basis … to seek relief against" anybody that has "provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States." JASTA § 2(b). This includes those who act "knowingly or recklessly," and support terrorism "directly or indirectly." JASTA § 2(a)(6). As Congress has found, it is the "long-standing policy of the United States that civil lawsuits against those who support, aid and abet, and provide material support for international terrorism serve the national security interests of the United States by deterring the sponsorship of terrorism and by advancing interests of justice, transparency, and

accountability." Sudan Claims Resolution Act, Pub. L. No. 116-260, div. FF, tit. XVII, § 1706(a)(1), 134 Stat. 3294 (2020). This case advances these vital national interests.

3. MTN Group is a multinational telecommunications company that intentionally targeted high-risk markets that were rife with terrorist-financing risks. Iran was one such market.

4. To enter the Iranian market, Defendants deliberately became a telecommunications joint venture partner with known fronts for Iran's Islamic Revolutionary Guard Corps (IRGC). That joint venture was known as Irancell. To win a stake in Irancell, Defendants engaged in an intensive lobbying and pressure campaign that involved bribing openly anti-American Iranian hardliners who Defendants knew were prominent figures in Iranian-sponsored terrorism. After winning a stake in the Irancell venture, Defendants provided at least ***hundreds of millions*** of dollars in financial and technical support to Irancell—including by procuring sensitive, dual-use technology, in violation of U.S. sanctions—and played key managerial and oversight roles in Irancell operations that directly supported IRGC terrorism.

5. MTN Group, Phuthuma Nhleko, and Irene Charnley provided material support to the terrorists and contractually committed themselves, and every MTN entity worldwide, to serving as a global logistics, financial, operational, and technical super-cell for MTN's terrorist business partners, including the IRGC, Hizballah, and their terrorist proxies in Iraq. Defendants' long-running, pervasive assistance to Irancell also aided and abetted terrorist attacks by these and other designated foreign terrorist organizations.

6. The technology that MTN Group provided to Irancell—which then flowed through to the IRGC, Hizballah, and their terrorist proxies—conferred immense value to the terrorists, enabling them to inflict maximum damage against Americans. It enabled terrorists to

spy on Americans, avoid detection, clandestinely communicate, travel freely, and build and detonate more effective bombs.

7. Defendants were one in spirit with Hizballah, the IRGC, Ayatollah Khamenei, Qasem Soleimani, and Hassan Nasrallah, and MTN knew that prominent Iranian terrorists who powered Hizballah and IRGC attacks were the key to winning the Irancell deal, and their investment in Irancell was, from the beginning, rooted in the IRGC's and Hizballah's need for military-grade American technology to support attacks targeting U.S. personnel in Iraq. Each Defendant pledged, orally or in writing, their commitment to fully satisfying their joint venture partners' needs relating to "security" matters—which the IRGC and Hizballah notoriously achieved through anti-American terrorist attacks—and "defensive" matters—which the IRGC and Hizballah notoriously used to euphemistically describe the weapons needed for such attacks to succeed. Defendant Nhleko, MTN's CEO at the time, even mocked those who raised concerns about the risks associated with partnering with two notorious Iranian terror fronts: When queried by investors about the "risk of doing business with Iran," Mr. Nhleko "laughed off" such questions, joking that "[MTN] hadn't budgeted for bomb shelters or anything like that."

8. Defendants took great pains to conceal their long-running assistance to Irancell. MTN's contractual commitment to financially and operationally support the IRGC's "security" agenda and to violate U.S. sanctions to obtain embargoed dual-use goods was concealed fraudulently from MTN Group's shareholders, and remained a closely guarded secret until revealed (in part) by a corporate whistleblower.

9. Defendants' actions followed not just MTN's commercial interests but also its ideological opposition to what internal MTN documents called "America's quest for world

hegemony," against which Islamic insurgents were "the most vocal protagonist."[1] While MTN Group publicly lied to the world and professed that it was "neutral" in the struggle between the United States and Iran, in truth, MTN directly sided with Hizballah and IRGC terrorists against the United States, and Defendants directly profited from Hizballah and IRGC-sponsored attacks that killed and injured Americans from 2006 through 2025.

10. Defendants' misconduct had foreseeable consequences: American bloodshed in Iraq, which resulted from the various types of support Defendants provided to avowed anti-American terrorists and their enablers.

DEFENDANTS

11. Defendant **MTN Group** is a publicly traded South African telecommunications (or "telecoms") company. MTN Group also issues American Depository Receipts (ADRs) under the trading code MTNOY. Its principal place of business is in Roodepoort, South Africa. It is among the largest telecoms companies in the world, with more than 288 million subscribers as of November 2024.[2] It is primarily responsible for managing every aspect of Defendants' operations in Iran and with Irancell, including, but not limited to, technology, procurement, financing, and U.S.-facing sanctions, economic, stakeholder management, strategic communications, lobbying, legal, and negotiations.

12. Defendant **Irancell** is a joint venture between MTN Group, which has a 49% stake, and the Foundation for the Oppressed (a/k/a Bonyad Mostazafan) and Iran Electronics Industries, a/k/a Sairan (IEI), which collectively own a 51% stake,[3] and are known operations

[1] MTN Group, "Middle East and Iran," (Dec. 2006) (MTN-GROUP-000000949, at -951).

[2] MTN Group Ltd., *Quarterly Update for the Period Ended 30 September 2024*, 3 (Nov. 2024).

[3] *See*, *e.g.*, Sifiso Dabengwa, *quoted in* MTN Group Ltd., *Integrated Business Report For The Year Ended 31 December 2006*, at 74 (Mar. 2007) ("MTN Group holds 49% of MTN Irancell with the balance held by the Iran Electronic Development Company."); Settlement Agreement,

fronts for the IRGC Qods Force (sometimes abbreviated "IRGC-QF"), IRGC Intelligence Organization (sometimes abbreviated "IRGC-IO"), IRGC Aerospace Force (sometimes abbreviated "IRGC-ASF"), and Lebanese Hizballah (or "Hizballah"). Irancell is an Iranian firm and its principal place of business is in Tehran, Iran.

13. Irancell operates as, and Irancell's employees and agents work as operatives for, a front for the IRGC (including the IRGC-QF and IRGC-IO) and Hizballah. The Foundation of the Oppressed and IEI have been designated by the U.S. government for their connections to terrorism, and are known fronts for the IRGC, including its Qods Force (sometimes abbreviated "IRGC-QF"), and Hizballah. The IRGC, Hizballah, and Supreme Leader's Office were Irancell's ultimate beneficial owners through their control of Irancell owners, facilities, and management, including, but not limited to, the Foundation for the Oppressed, IEI, and Iran Electronic Development Company (IEDC). Irancell always operated as, and Irancell's employees and agents always worked as agents for, an IRGC and Hizballah terrorist operations front for funding and equipping the IRGC and Hizballah. Although Irancell's principal place of business is in Tehran, dual-hatted MTN Group personnel commonly simultaneously served in senior Irancell management and procurement functions under MTN Group's close collaboration with Irancell.[4]

U.S. Dep't of Treas. and Keysight Technologies Inc., at 2 (June 26, 2020) ("Irancell [is] a joint venture between the South African company MTN Group and a consortium controlled by the Government of Iran"); U.S. Dep't of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran's Minister of Intelligence* (Nov. 18, 2020) ("Iran Electronic Development Company (IEDC), a joint venture between Bonyad Mostazafan and MODAFL-controlled Iran Electronic Industries … is the majority owner of Irancell").

[4] For example, current MTN Group Chief Risk Officer Ferdi Moolman has served as both Irancell's Chief Financial Officer and its Chief Operating Officer. Malik Melamu, formerly Executive for Sales and Distribution and Customer Experience at MTN Group, has been Irancell's COO since 2022, succeeding MTN Group's Hassan Jaber. Previous Irancell COOs from MTN Group include Jyoti Desai, and Mazen Mroue.

And Irancell personnel, including Irancell CEO Alireza Dezfouli, served on MTN Group's Executive Committee.

14. Defendant **Phuthuma Nhleko** is a South African national who served as President of MTN Group Limited at all relevant times and directly aided every facet of the IRGC's terrorist enterprise. Mr. Nhleko currently resides in South Africa.

15. Defendant **Irene Charnley** is a South African national who served as Commercial Director of MTN Group Limited at all relevant times and directly aided every facet of the IRGC's terrorist enterprise. Ms. Charnley currently resides in South Africa.

JURISDICTION AND VENUE

16. This Court has subject-matter jurisdiction under 18 U.S.C. § 2338 and 28 U.S.C. § 2331.

17. This Court has personal jurisdiction over each Defendant under Federal Rules of Civil Procedure 4(k)(1)(A), 4(k)(1)(C) together with 18 U.S.C. § 2334(a), and 4(k)(2).

18. Defendants pervasively and deliberately reached into the U.S. to illicitly procure embargoed U.S. technology for their affiliate Irancell, including but not limited to, dual-use computing technologies, internet and networking equipment, and information technology and management consulting services, which were subject to both anti-terrorism and national security controls and were illegally exported to anti-American entities and individuals in Iran.

19. Defendants also targeted the United States by agreeing to the Letter Agreement (*see infra*); making direct payments by MTN to IRGC and Hizballah fronts; entering into transactions with fronts, operatives, and agents for the IRGC that were intent on harming United States nationals in Iraq; and participating directly in IRGC surveillance and targeting operations.

20. All these actions were taken in deliberate violation of U.S. law and national security policy, and had intended and actual effects on the conduct of U.S. foreign policy, and therefore bore a meaningful relationship to the United States.

21. Venue is proper in this District under 18 U.S.C. § 2334(a), because Plaintiff James Connolly resides in the District of Columbia.

SOURCING

22. Plaintiffs' allegations about Defendants' behavior are based on publicly available, mainstream reports from the U.S. government, United Nations, subject-matter scholars, mainstream media outlets, statements from Defendants and their affiliates, statements from Iranian individuals and entities with whom Defendants worked, as well as Defendants' internal investigation into aspects of MTN Group's behavior.[5]

23. However, the core of Plaintiffs' allegations against Defendants are based upon facts that Defendants successfully concealed prior to February 1, 2013, when MTN Group caused the publication of a lengthy set of statements, admissions, and deceptions called the **Hoffmann Report**,[6] and MTN Group also published a set of Appendices[7] that were comprised

[5] Some of the sources cited herein were published after 2013. In all instances, however, such later-published materials either confirmed that its analysis applied to all or part of the U.S., Iran, and Iraqi considerations at issue from 2003 through 2011, when every Plaintiff was attacked by Hizballah and JAM in Iraq, or otherwise described a general Iranian or Hizballah custom and practice that endured at all relevant times.

[6] *See* MTN Group Ltd., *Report of the Independent Special Committee Appointed By the Board of MTN Group Ltd to Investigate Allegations in United States Proceedings by Turkcell Iletisim Hitzmetleri AS* (Feb. 1, 2013), *republished at* https://group.mtn.com/wp-content/uploads/2019/02/Final-Report-Hoffmann-Committee-FINAL.pdf (hereinafter, "MTN Group, Hoffmann Report"). When Plaintiffs cite an MTN Group statement published in the Hoffmann Report herein, Plaintiffs use the same paragraph (¶) convention used in the Hoffmann Report as published by MTN Group on its website.

[7] *See* MTN Group Ltd., *Report of the Independent Special Committee Appointed By the Board of MTN Group Ltd to Investigate Allegations in United States Proceedings by Turkcell Iletisim Hitzmetleri AS*, Appendices (Feb. 1, 2013), *republished at* https://mtn-

of documents cherry-picked by Defendants' U.S. counsel at Freshfields LLP (formerly Freshfields Bruckhaus Deringer) that MTN Group elected to publish.

24. The Hoffmann Report and associated Appendices were generated in response to a lawsuit by Turkcell İletişim Hizmetleri A.Ş. ("Turkcell") against MTN Group filed on or around March 28, 2012.[8] Turkcell alleged that MTN "violat[ed] … the law of nations through bribery of sitting Iranian … officials and trading influence to steal the first private Iranian Global System for Mobile Communications ('GSM') license (the 'License') from Turkcell," which included MTN's "promis[e] [to] Iran [MTN would source] defense equipment otherwise prohibited by national and international laws" and MTN's "outright bribery of high-level [] officials in both Iran and South Africa," which "acts … deliberately resulted in Turkcell losing its rightfully-won valuable telecommunications opportunity and in MTN's taking over the License."[9]

25. On February 1, 2013, MTN Group published the Hoffmann Report and its Appendices on MTN Group's official website. MTN Group also transmitted electronic and paper communications to an array of MTN stakeholders in the United States as an official "circular" of

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investor.com/html/pdf/circulars/2013/hoffman_appendices.pdf (hereinafter, "MTN Group, Hoffmann Report, Appendices"). When Plaintiffs cite an MTN Group statement published in the Hoffmann Report, Appendices with reference to an Appendices page number herein, Plaintiffs refer to the page number in the overall Hoffmann Report, Appendices PDF file as shown in the upper corner of the PDF file when the Appendices are viewed in the manner in which MTN Group has published them on MTN's official website and electronic circulars to MTN shareholders in the United States: as part of a single PDF file.

[8] *See* Compl. (Dkt. 1), *Turkcell İletişim Hizmetleri A.Ş. and East Asian Consortium B.V v. MTN Group, Ltd. and MTN International (Mauritius) Ltd.*, No. 1:12-cv-00479, (D.D.C. filed Mar. 28, 2012) (hereinafter, "*Turkcell v. MTN*"). Turkcell subsequently voluntarily dismissed the case to pursue the matter in South Africa. *See* Notice of Voluntary Dismissal (Dkt. 47) and Minute Order (Dkt. 48), *Turkcell v. MTN*, No. 1:12-cv-00479 (D.D.C. May 1, 2013).

[9] Turkcell also alleged that, "[b]etween the end of 2004 and receiving the License in November 2005, MTN through 'Project Snooker' made at least five illegal bribes and trades in influence to government officials with the intention and belief that the bribes would cause the Iranian government to grant the License to MTN rather than Turkcell." *Turkcell v. MTN* Complaint ¶9.

MTN Group, including to MTN's investors in the United States. MTN Group's publication of the Hoffmann Report and its Appendices was an act to further MTN's scheme alleged herein through highly selective, misleading, and biased analysis that was advocacy disguised as an independent investigation. The Hoffmann Report and its Appendices operate as a one-way ratchet in Plaintiffs' favor: the inculpatory materials that slipped through the cracks supplied, for the first time, powerful evidence of MTN's culpability, but the Hoffmann Report's exculpatory statements were made in bad faith and, as such, merely further evidence of MTN's consciousness of guilt. Accordingly, Plaintiffs expressly disclaim any exculpatory statements set forth in the Hoffman Report and its Appendices.[10]

26. The publication of the Hoffmann Report and a subset of internal MTN Group documents that MTN Group authenticated on February 1, 2013 revealed, for the first time, key aspects of Defendants' violation of the ATA by supplying vital proof of Defendants' specific intent to commit terrorism crimes that Defendants knew proximately caused attacks like the ones that injured Plaintiffs.

27. The Hoffmann Report revealed **several financial transactions** that underpinned the Irancell venture that Defendants had concealed from public scrutiny.

[10] For the avoidance of all doubt, Plaintiffs do not incorporate by reference the entirety of the Hoffmann Report because such report was a complex, and comprehensive, deception by MTN, for the purpose of deliberately misleading MTN stakeholders worldwide—including U.S. government regulators and MTN shareholders in the United States—that MTN Group and MTN Mauritius complied with U.S. sanctions targeting Iran and had not partnered with Iranian terrorists. Throughout the Hoffmann Report—which was not independent and was always controlled by MTN Group—MTN Group selectively revealed cherry-picked information that was meant to defang the devastating internal MTN documents that whistleblowers leaked when the Turkcell lawsuit was filed in 2012. Accordingly, any purportedly exculpatory statements in the Hoffmann Report were not true but, instead, were designed to fraudulently conceal the reality of MTN's conduct in Iran.

28. Defendants facilitated a $3.6 million kickback to Ebrahim Mahmoudzadeh and MODAFL. On November 7, 2005, MTN Group caused MTN Mauritius to "transfer[] USD3 600 000 to MTN's Iran Branch account held at SAMAN Bank" for "the payment of share transfer duties of IRR 30 929 800 800 to the State Taxation Affairs Organisation in respect of" the "Irancell shares transferred from" IEI President and Irancell Chair Ebrahim "Mahmoudzadeh"[11]—to whom MTN paid 99.99999% of the total purchase price.[12] In so doing, MTN corruptly supplied a financial windfall to Mahmoudzadeh; MTN paid millions in taxes to the Iranian State Taxation Affairs Organisation that Mahmoudzadeh would have otherwise owed. MTN's $3.6 million tax payment was contrary to MTN's typical practice. MTN Group ordinarily required that counterparties—not MTN—handle tax liabilities or payments resulting from MTN's transaction with them, and MTN even required counterparties to indemnify MTN against tax liability created by the counterparty.[13] MTN's $3.6 million kickback payment was not disclosed until the Hoffmann Report was released publicly.

29. MTN Group also concealed from public scrutiny a series of substantial, corrupt payments to its Irancell co-venturers and their agents at the outset of the Irancell venture. On November 15, 2005, MTN Group instructed MTN Mauritius to sign three loan agreements with

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[11] *See*, *e.g.*, MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 25 (Aug. 2, 2012) (citing "E-mail s [sic] from Kilowan dated 28 May 2006 and 11 July 2006 (including receipts from State Taxation Affairs Organisation)"), *republished in* MTN Group, Hoffmann Report, Appendices, 224 (hereinafter, "MTN Group, Hoffmann Report, KPMG Report").

[12] According to MTN, the value of its $3.6M payment in IRR was IRR30 928 800 800, of which "30 928 798 800 IRR"—99.99999%—was paid for the benefit of "Mahmoudzadeh."

[13] *See* MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company, § 4.4 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 122-33 (hereinafter, "MTN Group, Aristo Consulting Agreement").

Irancell and IEDC. MTN did so "[d]espite" the "forebodings" supplied to MTN Group and CEO Nhleko by MTN Group's Iran representative Chris Kilowan in his October 4, 2005 memo.[14] "By Loan 1A," according to MTN, "MTN lent Irancell about US$88 million" for which "[i]nterest was payable at 4% over Libor, and IEDC guaranteed repayment of the loan and pledged its shares in Irancell as security for the guarantee."[15] "By Loan 1B," "Irancell lent the same amount at the same rate of interest to IEDC to enable it to pay for its shares in Irancell."[16] "By Loan 3," "MTN lent Irancell €300 million to pay the up front licence fee."[17] According to MTN, "although" MTN's loans were "made to Irancell, it was lent on to IEDC"—*i.e.*, the joint venture comprised of the Foundation and IEI.[18]

30. On November 15, 2005, MTN Group instructed MTN Mauritius to enter into Loan Agreement 1A with the Foundation and IEDC, and MTN Mauritius did so.[19] MTN agreed to lend Irancell $88.7 million through an MTN-supplied, U.S. dollar-denominated, loan facility in which (on paper) MTN acted as the lender, Irancell acted as the borrower, and Foundation and IEI acted as the guarantor through IEDC.[20] Loan 1A was executed by: (1) Charnley, on behalf of MTN as lender; (2) Mahmoudzadeh and Dezfouli, on behalf of Irancell as borrower; and (3)

[14] MTN Group, Hoffmann Report, ¶137.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] MTN Group, Hoffmann Report, ¶¶283-85.

[19] *See* MTN Group, Hoffmann Report, KPMG Report, 15-17, *republished in* MTN Group, Hoffmann Report, Appendices, 214-5. Consistent with MTN Group's role in the Irancell JV, partnership with the Foundation and IEI, and control of MTN Mauritius, MTN necessarily approved Loan 1A.

[20] *See* MTN Group, Hoffmann Report, KPMG Report, 15-17, *republished in* MTN Group, Hoffmann Report, Appendices, 214-5.

Mokhber and Mozaffar Pour Ranjbar, on behalf of IEDC, representing the interests of its two joint venturers, the Foundation and IEI.[21]

31. MTN and its Iranian partners denominated Loan 1A, including its interest and penalty provisions, in U.S. Dollars. Per MTN, "[t]he salient terms of Loan 1A were: [1] The interest payable to MTN was Libor (rate for deposits in USD for a period of six months) plus 4% per annum, compounded bi-annually; [2] The repayment period is each successive period of six calendar months, commencing on the date on which the loan has been disbursed; [3] Repayments would first be allocated to cover interest and the remaining amounts would be allocated to the repayment of the principal; [4] Loan 3 (discussed in paragraph 4.6 below) was required to be repaid prior to Loan 1A; [5] Loan 1A was secured by a pledge of IEDC's shares (80 477 996 Irancell shares) to MTN Mauritius; and [6] In the event that Loan 1A was not repaid by the final maturity date, default compensation of 2% per annum was payable on the outstanding amounts. The final maturity date of Loan 1A is implied as 10 July 2009, being the third anniversary date of commencement date of the license agreement. A six month grace period, subsequent to final maturity date was allowed in terms of the loan agreement and therefore it appears that Loan 1A was due and payable on 10 January 2010."[22]

32. On November 15, 2005, in parallel with Loan 1A, MTN Group instructed MTN Mauritius to enter into Loan Agreement 1B with IEDC, and MTN Mauritius did so.[23] According

[21] *See* MTN Group, Hoffmann Report, KPMG Report, 15-16, *republished in* MTN Group, Hoffmann Report, Appendices, 214-15.

[22] *See* MTN Group, Hoffmann Report, KPMG Report, 16 (citing "Exhibit 3.04_DOC ID 0.7.43.2116328_Loan 1A dated 15 November 2005") (emphasis added), *republished in* MTN Group, Hoffmann Report, Appendices, 215.

[23] *See* MTN Group, Hoffmann Report, KPMG Report, 15-17, *republished in* MTN Group, Hoffmann Report, Appendices, 214-16. Consistent with MTN Group's role in Irancell and control of MTN Mauritius, MTN necessarily approved Loan 1B.

to MTN, "clause 2 of the Loan 1B agreement" provided that "Loan 1B was only a book entry in Irancell's records once the funds had been disbursed by MTN Mauritius, and there was no flow of funds for Loan 1B between Irancell and the IEDC."[24]

33. According to Defendants, MTN intended that "Loans 1A and 1B" would "provide the IEDC with funds" comprised of "USD88.7 million" in order " to enable the IEDC to pay its share capital contribution of 51% to Irancell"—including "included a repayment of a loan by IEDC to Irancell that Irancell had previously advanced to the IEDC to purchase the 35% shareholding in Irancell."[25]

34. On November 15, 2005, MTN Group instructed MTN Mauritius to enter into Loan Agreement 3 with Irancell.[26] Under the "terms of Loan 3, MTN Mauritius disbursed an amount of €300 million (approximately USD351.9 million) to Irancell to enable Irancell to pay the upfront license fee due to the MCIT."[27] MTN's promise to supply a €300 million loan facility to Irancell was created when Loan Agreement 3 was executed by: (1) Charnley, on behalf of MTN; and (2) Mahmoudzadeh and Dezfouli, on behalf of Irancell.[28]

35. According to Defendants, "[b]y Loan 3, MTN lent Irancell €300 million to pay the up front licence fee" and MTN and its Iranian partners "agreed that Loan 3 would be repaid

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[24] *See* MTN Group, Hoffmann Report, KPMG Report, 17, *republished in* MTN Group, Hoffmann Report, Appendices, 216. Consistent with MTN Group's role in Irancell and control of MTN Mauritius, MTN necessarily approved this transaction.

[25] *See* MTN Group, Hoffmann Report, KPMG Report, 17, *republished in* MTN Group, Hoffmann Report, Appendices, 216.

[26] *See* MTN Group, Hoffmann Report, KPMG Report, 17-18, *republished in* MTN Group, Hoffmann Report, Appendices, 216-17. Consistent with MTN Group's role in Irancell and control of MTN Mauritius, MTN necessarily approved Loan 3.

[27] *See* MTN Group, Hoffmann Report, KPMG Report, 17, *republished in* MTN Group, Hoffmann Report, Appendices, 216.

[28] *See id.*

before Loan 1A and that when Irancell declared a dividend, IEDC's share would be applied in enabling Irancell to repay Loan 1A."[29] According to Defendants, "[t]he salient terms of Loan 3" were: (1) "The interest payable to MTN Mauritius is Libor (rate for deposits in USD for a period of six months) plus 4% per annum, which is compounded bi-annually;" (2) "The repayment period is each successive period of six calendar months, commencing on the date on which the loan was disbursed;" (3) "Repayments will first be allocated to cover interest and the remaining amounts will be allocated to the repayment of the principal;" (4) "Irancell is required to repay Loan 3 to the extent that it has available resources, as determined by its Board;" (5) "Loan 3 is required to be repaid prior to the repayment of Loan 1A;" and (6) "In the event that Loan 3 is not repaid by the final maturity date, default compensation of 2% per annum is payable on the outstanding amounts. The final maturity date of Loan 3 is implied as 21 November 2009, being the fourth anniversary on which the loan was disbursed."[30] With respect to MTN's €300M loan to Irancell to pay for its license fee, according to Defendants, "as of October 2011," about "US$130 million of interest on the loan to Irancell to pay the licence fee was paid by February 2010 but its maturity date has since been extended to December 2014."[31] These terms were highly unusual for the telecoms industry, and for MTN.

36. When MTN agreed to provide atypical and commercially unreasonable loan terms to its Iranian partners, it did so over the objections of MTN Group's CFO, who believed that

[29] MTN Group, Hoffmann Report, ¶137.

[30] *See* MTN Group, Hoffmann Report, KPMG Report, 17-18, *republished in* MTN Group, Hoffmann Report, Appendices, 216-17.

[31] MTN Group, Hoffmann Report, ¶286.

MTN needed to have charged MTN's Iranian partners a materially higher rate of interest,[32] which, on information and belief, equated to tens of millions (at least) of profits to Irancell through below-market interest savings supplied by MTN. When Defendants approved MTN's atypical loans to its Iranian partners, MTN also enacted such loans over the objection of MTN Group's Iran Director, who believed that MTN's Iranian partners likely intended to violate the loan terms and force MTN to eat the resulting losses, as he indicated in his October 4, 2005 warning to MTN.

37. MTN bribed the Foundation for the Oppressed and IEI when MTN waived the substantial penalties they otherwise owed under Loans 1A and Loan 3. Even MTN's own auditors confirmed the gist of Plaintiffs' allegations. In a report for Defendants, KPMG stated the following with respect to MTN's collection of "Penalty interest" from the Foundation and IEI "on Loan 1 A and Loan 3":

> [T]he implied final maturity dates for Loan 1A and Loan 3 were 10 January 2010 and 21 November 2009, respectively. These loan agreements indicated that in the event that the loans are not repaid by the final maturity date, MTN Mauritius/Dubai was entitled to penalty interest of an additional 2% per annum on the outstanding amounts. Based on our recalculations of the outstanding balance and the MTN Group AFS (2009 to 2011), it is apparent that MTN did not charge penalty interest on Loan 1A and Loan 3.[33]

Based on the amount outstanding under Loans 1A and 3, MTN's forbearance of such payments caused a financial windfall for the Foundation for the Oppressed and IEI.

38. In so doing, Defendants paid a major bribe to Irancell. When MTN's Iranian partners failed to repay Loan 1A and Loan 3 of their maturity dates of January 10, 2010 and

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[32] Even in Defendants' rose-colored historical account in the Hoffmann Report, MTN admitted that CFO Rob "Nisbet" was "of the view that MTN should have held out for a higher rate of interest on its loans." MTN Group, Hoffmann Report, ¶287.

[33] MTN Group, Hoffmann Report, KPMG Report, 20-21, *republished in* MTN Group, Hoffmann Report, Appendices, 219-20.

November 21, 2009, respectively—as Kilowan had predicted they would—MTN routed another major bribe to its Iranian partners by waiving dramatic financial penalty clauses that, on information and belief, MTN ordinarily did not waive. In corrupt dictatorships in the Middle East, including Iran, such tactics were a common strategy that bribe-paying multinational firms deployed for decades to both conceal their bribes and, should they be discovered, supply plausible deniability to the bribe giver.

39. MTN Group controlled all decision-making concerning Loans 1A and 3 because MTN Group directly managed financial issues that flowed into MTN Group Annual Financial Statements, which specifically identified Loans 1A and 3.[34] MTN Group did so because it directly managed functions that had direct implications on MTN's financial reporting or as potential business or deal precedents, both of which described MTN's forbearance of Irancell-related penalty interest on Loans 1A and 3, above.

40. MTN Group concealed the corrupt, commercially unreasonable loans made to its Irancell co-venturers until the loans were made public when the Hoffmann Report was published.

41. In addition, MTN Group's statements and representations to media regarding its compliance with U.S. embargoes of dual-use technology in connection with its Irancell-related procurement responsibilities were intentionally misleading and designed to obfuscate the truth and further conceal the facts from governmental and investor constituencies. Specifically, MTN Group executives and the expensive PR/media team it retained from Brunswick recognized that

[34] *See*, *e.g.*, *id.* at 21 ("MTN Group" handled financial reporting decisions relating to "MTN's interest in Irancell as a joint venture," including MTN's treatment of MTN's "Loans to the Irancell" comprised of "Loan 1A (recorded in the MTN Group AFS as Loan 1) which represents 49% of Loan 1A" and "Loan 3 (recorded in the MTN Group AFS as Loan 2) which represents 51% of Loan 3 for the license fees"), *republished in* MTN Group and MTN Mauritius, Hoffmann Report, Appendices, 220.

Mr. Stecklow's reporting in *Reuters* in 2012 that MTN Group "conspired with lawyers and suppliers to circumvent US embargoes" could "become a broader issue for the investment community (which is Reuters's target audience" and that it could "antagonize [sic] the US or SA government" if MTN Group's CEO were to speak further to the media about those allegations beyond its prior "on-the-record denial to Reuters."[35]

42. MTN Group was highly motivated to use deception and avoid the ugly truth about its Irancell venture's illegal procurement scheme coming to light during the 2006-09 timeframe, given the investment community's acute focus on Irancell's operations and results. MTN Group knew that Irancell-related business was a key focus of buy-side analyst reports on MTN Group's stock from the largest investment banks' equity research desks. For example, the first page of a Credit Suisse research report in March 2007 that rated MTN Group shares as "neutral" noted that "[b]y far the most concerning aspects of the results was the poor Iranian performance in our view."[36] The report further noted that "the threat of sanctions could derail the project if MTN's network equipment suppliers fail to deliver."[37] A report from JP Morgan's Emerging Markets Equity Research desk issued a few days later in April 2007, however, upgraded MTN Group's stock, noting as one of its "Key take-aways" that "IranCell, given numerous challenges, appears to be back on track."[38]

43. **Defendants' Knowledge of Sources Cited Herein.** Defendants knew about the official statements and media reports from U.S., U.K., E.U., U.N., Iranian, Lebanese, and Iraqi

[35] Email from M. Bidoli to P. Norman (Aug. 23, 2012) (MTN-GROUP-000002040).
[36] Credit Suisse Standard Securities, *MTN Group (MTN) Post-finals Note* (Mar. 30, 2007) (MTN-GROUP-000001181, metadata date of Apr. 13, 2007).
[37] *Id.*
[38] JPMorgan Emerging Markets Equity Research, *MTN Group Limited* (Apr. 3, 2007) (MTN-GROUP-000001187, metadata date of Apr. 13, 2007).

sources that Plaintiffs cite herein. As a sophisticated multinational firm with a substantial presence in the Greater Middle East, operating in a highly regulated industry, MTN Group always monitored geopolitical and economic policy developments worldwide. This included monitoring developments related to geopolitical tensions, international sanctions, and terrorism, which could disrupt MTN's business in multiple markets. Thus, MTN Group always actively monitored, among other things, every official U.S. and U.N. sanctions designation, including associated press releases, reports, and findings targeting Iran, the IRGC, and Hizballah; and other public sources—including articles published by mainstream media outlets, non-governmental organizations, investigative journalists, scholars, and others—that published information relevant to telecommunications products and services, and geographies where MTN operated, including Iran. MTN monitored these sources through, *inter alia*, in-house compliance and intelligence personnel, as well as MTN's employees and agents in Iran, the Greater Middle East, and elsewhere—each of whose knowledge is imputed to MTN.

44. Such practices by MTN extended specifically to Iranian media. MTN Group always closely monitored Iranian media reports, and MTN's Iran personnel had a practice of regularly updating MTN's C-Suite about any significant Iranian media stories that related to MTN, Turkcell, Irancell, or U.S. sanctions. On January 26, 2005, for example, MTN Group's Iran personnel sent a memo to MTN's C-Suite supplying analysis about recent reporting in Iranian media.[39] On February 1, 2005, similarly, MTN Group's Iran-facing representative Shervin Pishevar emailed MTN Group CEO Phuthuma Nhleko, MTN Group CFO Rob Nisbet, and MTN Group Commercial Director Irene Charnley to update them about the "big news" that

[39] MTN Group Ltd., *Confidential and Urgent Quick Update*, 1 (Jan. 26, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 377.

had been "reported" in "an article on the front page of Iran news paper [sic] today stating that Turkcell is leaving Iran."[40] Likewise, on May 24, 2005, MTN Group's C-Suite received another memo based, in part, on MTN's analysis of news reported in "some local newspapers" in Iran.[41] Similarly, on August 26, 2005, MTN Group's C-Suite received another memo that analyzed "the bait that" MTN Group's Iran Director believed was "dangled in front of us [MTN] in the various [Iranian] news articles" published by Iranian media sources that MTN actively monitored as part of its normal course diligence and media monitoring.[42] On September 11, 2005, likewise, MTN Group reviewed coverage by "newspapers in Iran" concerning IEI, Ebrahim Mahmoudzadeh, MTN, and Irancell.[43]

45. In addition to these public sources, MTN had additional private knowledge of the relevant facts alleged herein. Large, sophisticated firms with longstanding operations universally strive to know as much as possible about their partners, customers, products, and markets. At all relevant times, MTN was an enormous multinational telecommunications conglomerate with access to tremendous volumes of information. Accordingly, MTN was aware of many pertinent facts even before they became public, as well as facts that never became public.

FACTUAL ALLEGATIONS

I. Iran-Backed Terrorists Conspired To Target Americans Across The Middle East

46. For decades, elements of the Iranian regime, Hizballah, and groups of proxy terrorists have operated as an alliance—the self-styled "**Axis of Resistance**"—that has used

[40] MTN Group Ltd., Email from Shervin Pishevar to Phuthuma Nhleko, Irene Charnley, and Rob Nisbet (Feb. 1, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 381-83.

[41] MTN Group Ltd., *Highly Confidential Memorandum*, 2 (May 24, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 392.

[42] MTN Group, Hoffmann Report, ¶123.

[43] *See*, *e.g.*, MTN Group, Hoffmann Report, ¶126.

terrorism to undermine American foreign policy and kill Americans across the Middle East. The shared objective of the jihadists was to force the United States to exit the Middle East and abandon its allies there.

47. To advance these core objectives, the Iranian regime and Hizballah developed a vast infrastructure of institutions organized to facilitate attacks by regional proxies. In addition to coordinating attacks, these institutions provided all the support that made the attacks possible—transferring weapons and related know-how, sharing financial resources, providing training in terrorist tradecraft, constructing underground fortifications, and many other things. In its scope, scale, and single-minded focus, this infrastructure amounted to a terrorism machine.

48. Iran's terrorism machine consisted of four primary components described in this section. First, certain Iranian institutions, which Plaintiffs refer to collectively as Iran's "**Terrorist Sponsors**," provided key support for Iranian-sponsored attacks: (1) the Foundation for the Oppressed; (2) the IRGC, including its Qods Force; (3) Hizballah; and (4) Ayatollah Ali Khamenei (the second Supreme Leader of Iran) and the Supreme Leader's Office (SLO). A second key component of the terrorism machine were Axis of Resistance terrorist groups that acted as Iran's and Hizballah's **proxies** for facilitating and committing attacks, including the Iraqi Shi'ite terrorist groups that attacked Plaintiffs. A third component were operational components that directed, armed, and coordinated the terrorist attacks, including the Supreme National Security Council, the Ministry of Defense and Armed Forces Logistics (or "MODAFL"), and **joint cells**, which the Terrorist Sponsors used to integrate the components of the terrorism machine, coordinating proxies' terrorist attacks through a joint leadership cell referred to as the Khamenei Cell, as well as joint logistics and operations cells.

49. The fourth component of Iran's terrorism machine were **commercial fronts** that supplied its essential fuel. In IRGC-dominated sectors of the Iranian economy, including telecommunications, IRGC-controlled companies regularly and systematically supplied money, materiel, and other essential support to the Terrorist Sponsors for their use in terrorist attacks. Two of the most prominent fronts were MTN's partners in the Irancell joint venture: the **Foundation for the Oppressed** and **Iran Electronics Industries** (IEI).

50. For decades, the United States has sought to impede attacks enabled by the Terrorist Sponsors through robust sanctions targeting Iran. On October 30, 1987, President Reagan signed Executive Order (or "E.O.") 12813 upon finding "that the Government of Iran is actively supporting terrorism as an instrument of state policy." 52 Fed. Reg. 4194D. On March 17, 1995, President Clinton signed E.O. 12957 upon finding that "the actions and policies of the Government of Iran constitute an unusual and extraordinary threat to the national security" of "the United States." 60 Fed. Reg. 14615. On April 24, 1996, Congress banned "assistance to countries that aid terrorist states," 22 U.S.C. § 2377, upon finding that "international terrorism is among the most serious transnational threats faced by the United States" and "Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism."

51. For decades, the Executive and Legislative branches have publicly confirmed, on a bipartisan basis, that Iran is completely unique amongst nations with respect to terrorist finance because, under decades of Ayatollah Khamenei and IRGC custom and practice, Khamenei and the IRGC prioritize exporting the revolution through terrorist attacks against the United States and (including U.S. allies) above all other considerations and, accordingly, the U.S. government has recognized, on a bipartisan basis, that the custom and practice of Ayatollah Khamenei and the IRGC is to allocate ***most*** of any funds or resources Khamenei and the IRGC receive or

otherwise control to sponsoring proxy attacks designed to export the revolution. In 2024, for example, U.S. Deputy Treasury Secretary Wally Adeyemo explained this consensus, bipartisan, U.S. view about Iran's uniqueness with respect to terrorist finance:

> Senator, you're right that in democracy, money is fungible. But what we've seen time and time [again] from the Iranian regime is [that] they fail to feed their people and they ***put the IRGC first. Any dollar they have will go towards their violent activity before they deal with the people***. That's partially why almost none of the humanitarian money has been used for humanitarian purposes is because they don't care about getting food and drugs for their people but the difference is the United States of American has made, as a values proposition, that we are always going to provide humanitarian relief for people. And that's what we said is the only purpose for this money. ***So while in our country money is fungible, in Iran, they've proven that any dollar they get that they have direct access to in the country will be used for the IRGC before it's ever used for their people***.[44]

52. In 2024, likewise, Senate staff observed that "Adeyemo admitted in testimony that any dollar Iran has access to funds terrorism," and "efforts that increase Iran's access to sanctioned funds" supplies "funds that directly support Iran's terror proxies throughout the Middle East" and "[g]iven the proven track-record Iran has on redirecting so-called humanitarian assistance to 'violent activity,' as characterized by Treasury, ***we must operate under the assumption that every dollar made available to Iran is another dollar that will be used to put U.S. servicemembers in harm's way***.'"[45]

A. The Terrorist Sponsors Have Dedicated Themselves to Facilitating Terrorist Attacks

53. Throughout the relevant period, the Terrorist Sponsors had vast financial needs to sustain, and intensify, their sponsored attacks targeting the United States. The following key

[44] United States Deputy Secretary of the Treasury Wally Adeyemo, Testimony Before U.S. Senate Banking Committee (Apr. 9, 2024) (emphasis added), https://tinyurl.com/mpp9k73n.

[45] U.S. Senate Committee on Banking, Housing, and Urban Affairs (Minority Staff), *Scott Calls on Treasury to Block Iran's Access to Funds, Demands Accounting of High-Value Iranian Assets* (Apr. 12, 2024) (emphasis added), https://tinyurl.com/ypc8cspr.

persons, mostly organizations, comprised the terrorist attack-facing architecture of the Terrorist Sponsors who funded and facilitated violence targeting the United States.

1. Ayatollah Ali Khamenei

54. Ayatollah Ali Khamenei has been a member of the IRGC since 1979. From the outset of the Islamic Revolution in 1979—and always since—Ali Khamenei has been a notorious IRGC terrorist. After the IRGC was created, Ayatollah Khomeini placed "Khamenei in charge" of "exercising supervision of" the "IRGC" to "make sure the spirited young recruits of the IRGC stayed as clerical tools."[46] Thereafter, he "was Khomeini's personal representative on military matters inside the Revolutionary Council" where "[u]nsurprisingly, Khamenei was a champion of the Revolutionary Guards."[47] "Khamenei" was "always infatuated with military affairs and raw power" and his "first main role as Khomeini's representative involved the defense portfolio," in which "capacity, he proved … determined … to cultivate the young men from the Revolutionary Guards."[48] One way Khamenei did so was by seizing the spotlight in high-profile events that tightly connected him to the IRGC, like when he—not Iran's president—announced the start of the Iran-Iraq War. Khamenei eventually rose to the rank of IRGC Brigadier General, commanded IRGC forces during the Iran-Iraq war, served in a role analogous to that of Qasem Soleimani in the early 1980s, and has played a vital leadership, fundraising, and operations-facing role in IRGC-sponsored attacks ever since.

[46] Alex Vatanka, *The Battle of the Ayatollahs in Iran: The United States, Foreign Policy, And Political Rivalry Since 1979*, 19 (I.B. Tauris 2021) (hereinafter, "Vatanka, *Battle of the Ayatollahs*").

[47] Vatanka, *Battle of the Ayatollahs*, 38-39.

[48] Vatanka, *Battle of the Ayatollahs*, 31.

55. Since 1979, Khamenei has always played a direct role in the IRGC's and Hizballah's highest profile attacks targeting the United States and its allies. One example of his operations-facing role was supplied by the Mykonos trial in Germany in the 1990s, in which a German judge found that Khamenei was directly involved in Terrorist Sponsors' successful Hizballah attack at a Berlin restaurant.[49] Khamenei was a sworn IRGC brother, Supreme Commander of Hizballah, and Supreme Commander of the IRGC. As such, the *Economist* noted in 2023, "Khamenei" notoriously "built up" the power of the "IRGC" to insulate his own power by supplying a "defence against his rivals among the clergy." As a scholar noted in 2021:

> Khamenei subscribes to the idea of "forward defense" against the United States. Accordingly, to deter Washington from attempting a policy of "regime change" in Tehran, Iran should take the fight to the Americans and their allies in the Middle East and beyond. Khamenei often reminds the Revolutionary Guards and its proxy allies, such as Lebanese Hezbollah [and] … Shia Iraqi militias, that they should not limit their operations to specific regional boundaries. This is no doubt a warning aimed at the United States …. "Do not build walls around yourself and stay within those walls," he once told the senior commanders of the [IRGC].[50]

56. In 1989, IRGC Brigadier General Khamenei added another title: Supreme Leader of the Islamic Revolution. That title, however, did not displace Khamenei's membership in the IRGC, nor did it change the key operations-facing role he had historically played. As Supreme Leader of the Islamic Revolution from 1989 through 2025, Ayatollah Khamenei was always the recognized, and oath-sworn, leader of the IRGC and Hizballah, among others, with every IRGC and Hizballah terrorist personally swearing fealty to Ayatollah Khamenei (and, before him, Ayatollah Ruhollah Khomeini) as their Supreme Leader.

57. Given his status as an IRGC member and staunch and active IRGC and Hizballah supporter, Ayatollah Khamenei always emphasized the global nature of the anti-American

[49] *See*, *e.g.*, U.S. Dep't of State, *Patterns of Global Terrorism: 1997* (Apr. 1998).

[50] Vatanka, *Battle of the Ayatollahs*, 199-200.

terrorist violence that he personally sponsored, and Khamenei infamously led the "Axis of Resistance."[51] For example, Khamenei was an infamous supporter of Hizballah, who personally met with—and supported—Hizballah's operations leaders.[52] As such, Khamenei was also an

[51] *See*, *e.g.*, Hassan Nasrallah, *quoted in* Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019) ("Today, no one doubts that the Islamic Republic of Iran, with its determination, will and power, is the vanguard and the main nucleus and main pivot that steers the Resistance movement."), 2019 WLNR 29723198.

[52] *See*, *e.g.*, Hassan Nasrallah, *quoted in* Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019) ("[O]ur [Hizballah] brothers told Imam [Ayatollah Khomeini]: 'We believe in your guidance, authority and leadership, but in any case, you are very busy, and you are at an old age, and we cannot allow ourselves to continuously disturb you about different issues and problems. For this reason, we are asking you to name a representative to whom we can refer on various issues.' Then he introduced Imam Khamenei (May God continue his oversight), who was the president at the time, and said: 'Mr. Khamenei is my representative.' Consequently, the relationship between Hezbollah and Ayatollah Khamenei (May God protect him) began from the very early hours of the establishment and foundation of this group; we were always in contact with him in different times, we met with him frequently and gave him reports on the latest developments and he always praised the resistance. … From the very first moment of our relationship with Ayatollah Sayed Ali Khamenei, I call him, in my own words, Mr. Leader. So let me use the same word, the Leader, to refer to him. … Q: Was there a specific person to go between Hezbollah and Ayatollah Khamenei? Nasrallah: … The fact is that the Leader particularly valued Lebanese groups and provided them with sufficient time. I remember meetings that sometimes lasted for 2, 3 or even 4 hours. … Indeed, the Leader [Ali Khamenei] at that critical stage managed to play an important role guiding the group in cultivating Hezbollah leaders and commanders intellectually, scientifically, and mentally, so that our brothers could make decisions confidently and by relying on their own capabilities even during the most difficult situations. … Therefore, the role of the Leader in the training, growth and swift development of Hezbollah was very significant. … We pledged allegiance to him [Ayatollah Khamenei] in person and directly. Our brothers told him: 'During the lifetime of Imam Khomeini (r.a) you were his representative in the affairs of Lebanon, Palestine and the region as well as the President of Iran, so you had time (for us). But now you are the leader of the Islamic Republic and all Muslims, and therefore, perhaps you do not have enough time as before. So, we would like to ask you to appoint a representative, so that we do not disturb you continuously.' At this moment, the Leader smiled and said: 'I am still young and I have time, God willing. I pay special attention to the issues of the region and the resistance and therefore we will remain in direct contact with each other.' … in the first years, the early years of the establishment of the movement [Hezbollah], he [Ali Khamenei] was involved in everything. The principles, goals, foundations, criteria, and guidelines that we had, [Ali Khamenei] provided a solution to every issue. … So, we continued to do the same as the Leader had told. … things went on in a better way; because these stances were strengthened … as a result of direct attention by the Leader [Ayatollah Khamenei] to Hezbollah of Lebanon and the resistance in the region. … In 2000, … we traveled to Tehran to meet with Ayatollah Khamenei and the Iranian officials.

infamous sponsor of, *inter alia*, IRGC- and Hizballah-sponsored attacks targeting the United States in Iraq and Afghanistan,[53] and hostage-taking attacks targeting the United States.[54]

58. Khamenei was a famous micro-manager, especially with respect to attacks targeting the United States.[55] Among other reasons, he was obsessed with America and viewed the U.S. government as the source of all the Iranian regime's problems.[56] And when he micro-managed, Khamenei's default setting against the United States was violence. As Hizballah Secretary General Hassan Nasrallah—and Khamenei inner circle member since the 1980s—gushed in 2019, "the Leader [Khamenei] … focused on the issue of resistance and its progress" and "insisted that resistance should progress" and, accordingly, Khamenei "always diligently encouraged the Resistance to persist on the path"—"[e]ven inside Hezbollah, there were some of

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We—that is the Hezbollah council—traveled to Iran. On that trip, we also were accompanied by the military commanders of the Resistance …. Nearly 50 commanders of the Resistance traveled with us."), 2019 WLNR 29723198.

[53] *See*, *e.g.*, *id*. ("We are not talking about U.S. troops deployed to, (let's say) Brazil. We are talking about forces deployed to Afghanistan, Iraq, and countries surrounding Iran…. Who stood up to the United States? The Leader [Khamenei]. … He stood against the only arrogant imperialist superpower in the world; a fuming superpower that does not abide by any rule. He stood up to them, not in a subdued state, but taking an attacking posture. In conclusion, the person who has led the fight against the American project in the region over the past years has been the Leader."), 2019 WLNR 29723198.

[54] *See*, *e.g.*, Vatanka, *Battle of the Ayatollahs*, 36-37 ("the Khomeinists were becoming comfortable with the role of hostage-takers. On April 14, 1980, Ali Khamenei became the most senior official to visit the US hostages.7 In his televised conversation with one of the seized US diplomats, the 36-year-old John Limbert, Khamenei had a pleasant manner but an unequivocal demand: the Shah has to return to Iran to face a trial.").

[55] *See*, *e.g.*, Vatanka, *Battle of the Ayatollahs*, 146 ("Khamenei is a micro-manager and no other issue has mattered to him as much as relations with the United States").

[56] *See*, *e.g.*, Vatanka, *Battle of the Ayatollahs*, 97 ("the United States was again at the heart of Khamenei's case for Iran's problems whether at home or abroad. [']Fifteen years ago the Imam said "America cannot do a damn thing." Some disagreed and feared America. But if we look at where we are today, we see that indeed America could not do a damn thing! Fifteen years later, we have proof. What have they been able to do? So far they were unable to do a damn thing![']").

our brothers who were inclined to get involved with [] politics … [b]ut the Leader always emphasized the need to give priority to the mission of resistance and Jihadi tasks."[57]

59. Khamenei always famously targeted the United States. In 2005, Ayatollah Khamenei explained on IRGC-controlled Iranian TV that his constant invocation of "Death to America" was designed to communicate that pious Muslims must target the United States for destruction before all other considerations: "Our people say 'Death to America,' and this is like the saying 'I seek God's refuge from the accursed Satan,' which is recited before any chapter of the Koran, even before 'In the name of Allah the Compassionate, the Merciful.' … "Death to America ... [is designed so that Iranians] will never forget, even for a moment, that Satan is ready to attack him. . . . The saying 'Death to America' is for this purpose."[58] In 2017, Khamenei explained his targeting of the United States: "[M]any of our issues with America are not solvable. The reason is that America's problem with us is us, the Islamic Republic! The problem is this. … The problem of the US is the essence of the Islamic Republic. … How do you want to 'resolve' this opposition? Therefore, our problems with the US are insolvable."[59] In 2018, Khamenei stated that "America is the number one enemy of our nation."[60]

60. United States sanctions findings confirmed that Khamenei ordinarily played a direct role in high-profile attacks targeting the United States. From 2018 through 2020, for example, the United States published a wave of sanctions findings targeting Khamenei's inner circle, which confirmed in sum and substance how Khamenei used his resources to sponsor

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[57] Hassan Nasrallah, *quoted in* Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019), 2019 WLNR 29723198.

[58] Ali Khamenei, IRIB Channel 1 (Mar. 14, 2005).

[59] Ali Khamenei, *quoted in* Jordan Steckler (Research Analyst), United Against a Nuclear, *How Iran Exports Its Ideology*, 4 (Dec. 8, 2020).

[60] Ali Khamenei, *quoted in* U.S. Dep't of Def., *Nuclear Posture Review Report*, 13 (Feb. 2018).

Hizballah attacks targeting Americans. On June 24, 2019, for example, the President issued Executive Order 13876 blocking assets of the "the Supreme Leader of the Islamic Republic of Iran" and SLO pursuant to U.S. counterterrorism authorities to protect the United States from Khamenei's (the "Supreme Leader") and SLO's role (including through Khamenei's agents) in exporting "violence, sabotage, and terrorism" sponsored by "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. That same day, Treasury enacted parallel designations.[61]

61. On November 4, 2019, the United States designated additional members of Khamenei's inner circle under E.O. 13876 counterterrorism authorities, 84 Fed. Reg. 30,573, which protected the United States from "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. Treasury explained that Khamenei himself, and "individuals who are appointees of, or have acted for or on behalf of, Ali Khamenei," were "responsible for advancing Iran's radical agenda" through "a shadow network" of "military and foreign affairs advisors who have for decades . . . exported terrorism . . . around the world" and collaborated with Khamenei, one another, the SLO, IRGC, and Hizballah to help direct high-profile Hizballah-sponsored attacks targeting the United States by helping enable "the Supreme

[61] U.S. Dep't of Treas., *Treasury Targets Senior IRGC Commanders Behind Iran's Destructive and Destabilizing Activities* (June 24, 2019).

Leader's ability to execute his agenda of terror."[62] According to the Secretary of the Treasury, Khamenei's network of inner-circle "unelected officials who surround Iran's Supreme Leader, Ayatollah Khamenei, and implement his destabilizing policies, . . . are linked to a wide range of malign behaviors by the regime, including" Hizballah's "bombings of the U.S. Marine Barracks in Beirut in 1983 and the Argentine Israelite Mutual Association in 1994, as well as torture, extrajudicial killings, and repression of civilians."[63]

62. From at least 2021 through 2024, likewise, the United States publicly sanctioned "Ali Husseini Khamenei, Supreme Leader, for support of the IRGC, a Foreign Terrorist Organization," which identified him as a person whom the U.S. had sanctioned pursuant to "Section 221 of the Iran Threat Reduction and Syria Human Rights Act of 2012, Public Law 112-158 (TRA), enacted on August 10, 2012, codified at 22 U.S.C. 8727, requires the President to publish a list of individuals that the President has determined are senior officials of the Government of Iran, as defined in the statute, that are involved in Iran's illicit nuclear activities or proliferation of weapons of mass destruction (WMD) or delivery systems for WMD; support for international terrorism; or the commission of serious human rights abuses against Iranian citizens or their family members."[64]

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[62] U.S. Dep't of Treas., *Treasury Designates Supreme Leader of Iran's Inner Circle Responsible for Advancing Regime's Domestic and Foreign Oppression* (Nov. 4, 2019) ("Today's actions complement Treasury's previous addition[] of Supreme Leader Khamenei … to OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List).").

[63] *Id.*

[64] *See*, *e.g.*, U.S. Dep't of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members* (Jan. 2021); U.S. Dep't of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and Their Family Members* (Feb. 2022); U.S. Dep't of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members* (Feb. 2023); U.S. Dep't of State,

63. From 2000 through 2025, U.S. federal district judges routinely published factual findings confirming that Khamenei played a key operational, financial, logistical, and recruiting role that enabled high-profile, Hizballah-led attacks targeting the United States; all such findings corroborate the plausibility of Plaintiffs' allegations, and the findings from 2000-2013 alerted Defendants that Khamenei participated in Hizballah attacks targeting the United States. Such United States District Judges' findings of fact included, but were not limited to:

a. ***Peterson.*** In 2003, Judge Lamberth found that under Iranian custom and practice, the "approval" of "the ayatollah ('supreme leader')" was "absolutely necessary to carry out the continuing economic commitment of Iran to Hezbollah, and to execute" a Hizballah bomb attack that targeted the United States, and noted that, "[b]ased on the evidence presented by the expert witnesses at trial, the Court finds that it is beyond question that Hezbollah and its agents received massive material and technical support from the Iranian government" after Supreme Leader approval. *Peterson v. Islamic Republic of Iran, et al.*, 264 F. Supp. 2d 46, 53-54, 58 (D.D.C. 2003).

b. ***Stern.*** In 2003, Judge Lamberth found that under Iranian custom and practice, "Iranian government support for terrorism is an official state policy and the approval" of "defendant[] Ayatollah Ali Hoseini Khamenei" was "necessary for Iranian [security] agencies" to "support" an IRGC and Hizballah proxy "with training and economic assistance" and "Iran's support" of such IRGC/Hizballah proxy "could not occur without this approval," and high-ranking political figures such as Ayatollah Ali Hoseini Khamenei" also "provide 'operational policy advice to terrorists.'" *Stern v. Islamic Republic of Iran, et al.*, 271 F. Supp. 2d 286, 294-95 (D.D.C. 2003).

c. ***Salazar.*** In 2005, Judge Bates found that "Iran trained, outfitted, and financed Hizbollah under the auspices of the IRGC, a uniformed military and terrorist operations force that answered to the Ayatollah," as "'supreme leader'…." *Salazar v. Islamic Republic of Iran, et al.*, 370 F. Supp. 2d 105, 110 (D.D.C. 2005) (cleaned up).

d. ***Blais.*** In 2006, Judge Lamberth found that "Ayatollah Khameini" had "approved" Hizballah's "terrorist attack" targeting the United States at Khobar Towers in Saudi Arabia in 1996, under the plan "approved by Ayatollah Khameini" Hizballah's "bomb was assembled at a terrorist base in the Bekaa Valley which was jointly operated by the IRGC" and "Hezbollah" and resulted in a lethal "terrorist attack" against the United States that killed Americans through a bombing comprising "the largest non-nuclear explosion ever up to that time." *Blais v. Islamic Republic of Iran, et al.*, 459 F. Supp. 2d 40, 47-49 (D.D.C. 2006).

Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members (Jan. 2024).

e. ***Owens.*** In 2011, Judge Bates found that "Hezbollah engages in international terrorist operations in close tactical and strategic cooperation with the Iranian government" for which "Ayatollah Khamenei, controls oversight of the media, the military, the Ministry of Intelligence, the IRGC, the Basij militia, and the IRGC's Qods force; all the entities that oversee the training and support of and cooperation with terrorist groups and that grant approval of terrorist attacks conducted with other groups answer to Khamenei" and, as a result, "Hezbollah's assistance to al Qaeda['s]" 1998 bomb attack against the United States embassies in Kenya and Tanzania "would not have been possible without the authorization of the Iranian government" through Ayatollah Khamenei. *Owens v. Republic of Sudan, et al.*, 826 F. Supp. 2d 128, 138-39 (D.D.C. 2011) (cleaned up).

f. ***In re Terrorist Attacks on Sept. 11, 2001.*** In 2011, Judge Daniels made a litany of findings of fact confirming (and alerting MTN) that Khamenei played a key operational role in anti-American terrorism. *In re Terrorist Attacks on Sept. 11, 2001*, 2011 WL 13244047 (S.D.N.Y. Dec. 22, 2011). Among other things, Judge Daniels found that "Khamenei" had a "long record[] of direct involvement in Iran's material support for terrorism, and" had "been cited as" a "key figure[] in numerous U.S. court cases finding Iranian state support for terrorism." *Id*. at *4. Judge Daniels also found that, "in the late 1990s," Supreme Leader Ali "Khamenei" once "again formed a special intelligence apparatus that reported directly to him and worked under his direct control" for which the "Supreme Leaders' special intelligence apparatus was engaged in the planning, support, and direction of terrorism." *Id*. at *6. Judge Daniels also found that the "Iranian government, including … Khamenei in particular, used Iranian ministries … to funnel money to terrorist proxy groups through the procurement process, phony banking, and the use of shell companies" that "were fronts for terrorist organizations." *Id*. at *7. Judge Daniels also found that "Argentine investigators determined that the decision to bomb the AMIA center was taken at the highest levels of Iran's government," for which "Supreme Leader Khamenei" was part of a leadership cell who "directed" Hizballah global terrorist mastermind Imad "Mughniyah and Hizballah to perform the operation." *Id*. at *13.

64. For at least five reasons, Defendants knew of the above United States District Judge's published findings of fact, and other similar findings before and after, on a real-time basis. *First*, Defendants obsessively scrutinized every American legal development that in any way related to Iran under MTN Group's political, stakeholder, and legal risk management processes. In so doing so, multiple different lanes of cross-functional MTN Group teams necessarily learned of the above, or similar, factual findings in their normal course of Defendants' Iran-related political, stakeholder, and legal risk management. *Second*, Defendants

knew because Khamenei was often a named terrorism defendant,[65] and Defendants' Irancell-related risk assessment would have necessarily required a review of Khamenei's risk profile given that MTN Group viewed him as an ultimate beneficial owner, in effect, of the Foundation for the Oppressed's share of Irancell. *Third*, Defendants could not have avoided learning of such factual findings absent MTN's willful blindness (same as actual knowledge), because the factual findings in question were published in databases that Defendants used, *e.g.*, Thomson Reuters, and many such opinions would have also been a natural result for any even modest "Googling" of the topic by any of Defendants' tens of thousands of employees and agents. *Fourth*, Defendants also employed a substantial number of lawyers and law firms in the United States, including but not limited to Freshfields and Covington, and, on information and belief, one or more partners, associates, or employees at Freshfields and/or Covington supplied Defendants regular updates about Iran-facing legal news in U.S. courts, necessarily including summaries of many of the above, or similar, factual findings published by United States District Judges. *Fifth*, Defendants ineluctably reviewed such factual findings by no later than April or May of 2012 because Turkcell sued MTN in March 2012 in United States District Court for the District of Columbia and outlined national security-related factual allegations the gist of which was that MTN and Khamenei had partnered in arms schemes that threatened the United States.

2. Foundation for the Oppressed (*Bonyad Mostazafan*)

65. On March 5, 1979, the Supreme Leader's Office and terrorist militias (that would eventually become the IRGC) seized the Pahlavi Foundation—the Shah's global charitable foundation with assets and facilities all over the world—as well as the assets of Jews, Bahais, and other religious minorities, which they pooled together and renamed the Foundation for the

[65] Ali Khamenei was a Defendant in several of the above cases, and others. *See*, *e.g.*, *Stern v. Islamic Republic of Iran, et al.*, 271 F. Supp. 2d 286 (D.D.C. 2003).

Oppressed on Earth, a/k/a *Bonyad Mostazafan* ("Foundation for the Oppressed" or "Foundation"). That name boldly announced the new purpose to which they were devoting the Shah's vast wealth: exporting their Islamic Revolution to benefit the "Oppressed on Earth"—*i.e.*, terrorist attacks targeting the United States and its allies. For Khomeini, the "Oppressed on Earth" comprised Muslims in countries who needed to be "liberated" through Khomeini-sponsored terrorist violence, and his newly seized Foundation was intended for that purpose. To that end, Khomeini installed his most trusted terrorist supporters on the board of the Foundation from inception, including Ali Khamenei (who later became Iran's second Supreme Leader). From inception, and ever since, the Foundation has been inextricably connected to, and a vehicle for, the terrorist leaders who provided the muscle for Khamenei's terrorist agenda.

66. The Foundation for the Oppressed was custom-built to provide funding, weapons, intelligence support, logistical aid, and a vast transnational footprint of corporate fronts, shell companies, and real estate to the IRGC and Hizballah.

67. The growth of the Foundation for the Oppressed was part of Khamenei's early efforts to build the financial and logistical networks needed to export the Islamic Revolution through Iranian proxy terrorist attacks targeting the United States and its allies, including Israel. Such Khamenei-allied terrorists used the Foundation to help the IRGC, Hizballah, and their proxies acquire funds, weapons (including components), intelligence, cover, concealment, and logistical aid, to commit terrorist attacks.

68. Hizballah exercised control of the Foundation for the Oppressed, alongside the Qods Force and SLO, and it leveraged this control to sponsor terrorist attacks. In 2001, for example, *BBC* reported that "the Foundation for the Oppressed … is an organization that gives financial support to Iran's … acts of terrorism abroad" that "is supervised by … Ayatollah

Khamene'i" and "is a subsidiary of the IRGC" whose investments are "under the control of Hezbollah like other large commercial enterprises in Iran … operating under the supervision of the IRGC" while "under the guise of cultural centres and humanitarian structures." That characterization has remained accurate through present.

69. The Foundation for the Oppressed comprised a terrorist operations slush fund for Hizballah, the Qods Force, and their proxies. Although the Foundation's inner workings were notoriously opaque, its opacity only confirmed its terrorist operations purposes; it was dominated by Khamenei and his inner circle. The Foundation's terrorist operations slush fund role was complemented by the Terrorist Sponsors' custom and practice, and tactics, techniques, and procedures. Among other ways, the Foundation was used as a terrorist finance and logistics aggregator and aggregation site for an array of streams of financial and logistical support from IRGC- and SLO-controlled organizations and firms.[66] As such, Khamenei, the Qods Force, and Hizballah used the Foundation to optimize their conversion of the Terrorist Sponsors' commercial profits into proxy attacks targeting Americans.

70. U.S. sanctions against the Foundation for the Oppressed confirmed that the IRGC and SLO used the Foundation's profits, personnel, facilities, and resources to sponsor attacks targeting the United States, including attacks targeting regime enemies. In 2020, for example, the United States imposed counterterrorism sanctions on the Foundation pursuant to Executive Order 13876,[67] which was intended to prevent "violence, sabotage, and terrorism" sponsored by "Iran

[66] *Compare* U.S. Dep't of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran's Minister of Intelligence* (Nov. 18, 2020) (Khamenei and inner circle used Foundation to aggregate funds for terrorism), *with* Fin. Action Task Force, *FATF Report: Emerging Terrorist Financing Risks*, at 11-12, 44 (Oct. 2015) (terrorist aggregation enables attacks).

[67] U.S. Dep't of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran's Minister of Intelligence* (Nov. 18, 2020).

and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573.

71. In the same designation of the Foundation for the Oppressed, Treasury confirmed that the Foundation served primarily as a front for terror and performed little legitimate charitable work, devoting just seven percent of its substantial budget to charitable purposes.[68]

72. The Foundation for the Oppressed "maintain[ed] close ties to the IRGC" and was always a "bridge to the IRGC" through its "vast economic wealth" that was "partly the result" of "business with … those involved with Iran's support of international terrorism" including trade with "IRGC" fronts that were "designated under … counterterrorism authorities."[69]

73. In such role, the Foundation for the Oppressed always served from 2006 through 2013 to "line the pockets of [Ayatollah Khamenei's] allies," including, but not limited to: (1) IRGC Commander and Foundation President Mohammed Forouzandeh; (2) IRGC Commander and Foundation Vice President Mohammed Mokhber; (3) IRGC Qods Force Commander Qasem Soleimani, who was an ultimate beneficiary of the Foundation's profits; (4) Hizballah Secretary General Hassan Nasrallah, who was an ultimate beneficiary of the Foundation's profits; (5) IRGC Founder, Hizballah Co-Founder, IRGC Commander Mohsen Rafiqdoost, who has boasted (since the late 1980s) about his personal involvement in killing 241 American Marines in Lebanon in 1983,[70] served the head of the Foundation for the Oppressed on paper or in practice

[68] *Id.*

[69] *Id.*

[70] On October 23, 1983, Hizballah detonated a massive bomb provided by the IRGC, which killed 241 U.S. military personnel in a terrorist attack against the Marine Corps barracks in Beirut, Lebanon. On July 21, 1987, in Iranian media, Rafiqdoost famously boasted that he and the IRGC directly enabled this attack: "The U.S. felt our power and knows the explosives mixed

(alongside the others listed herein) from 1989 through at least 2013, and admitted (in November 2016) to having been the IRGC's "assassination commander."

74. The vital, direct, role that the Foundation for the Oppressed played in funding, arming, and supporting IRGC and Hizballah attacks has been well known for decades. A wide array of media reports (often quoting U.S. officials) tied the Foundation to IRGC and Hizballah attacks through illicit arms, procurement, and sanctions evasion efforts since the 1990s. For example, Dr. Mark D. Silinsky, Adjunct Professor at the U.S. Army War College, has observed that the specific purpose for which the Iranian regime ordinarily used "bonyads" under the Terrorist Sponsors' custom and practice was to "acquir[e] and distribut[e] wealth to the Guards" and, therefore, "[s]enior [bonyads] personnel are adept at transferring funds from one element to another to subvert U.S. sanctions and channel funds toward terrorist operations [attacks]"—including "[t]he largest bonyad" (*i.e.*, the Foundation for the Oppressed), which "funds Hezbollah and operates in Europe and Asia."[71] Similarly, Kerry Patton, Combat-Disabled Veteran and Senior Analyst at *Wikistrat*, has observed that "Bonyads assist in fueling world terror" through Bonyads' receipt of "fund[s] actively and passively" that financed terrorist attacks sponsored by Hizballah and the Qods Force to advance Khamenei's agenda of "comfort for the oppressed." According to Patton: "Tactically, Bonyads are often interrelated to the [IRGC]. Operatives from the IRGC along with members founded in Al Quds [IRGC-QF] and Hezbollah go undercover portraying themselves" as "representatives of the Foundation of the

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with that ideology that sent 400 officers and soldiers to Hell. Both the TNT and the ideology came from Iran. This is very much obvious for the U.S."

[71] When the U.S. government, former U.S. officials, scholars, and terrorists, and former DOD officials like Dr. Silinsky, talk about a terrorist group's "operations," they are referring to violent attacks carried out by the group as part of such group's act of international terrorism.

Oppressed and Dispossessed (Bonyad-e- Mostazafan)," among other key Hizballah and IRGC-QF operations fronts.

75. Indeed, decades of official reports and statements published by the United States, United Kingdom, Iran, European Union, and United Nations confirmed that Iranian bonyads—for which the Foundation for the Oppressed was always the largest and most notorious—played a key role in propagating Hizballah- and IRGC-sponsored terrorism, including their sponsored attacks by JAM in Iraq, among others.[72] For example, on December 18, 2006, State published an internal Cable—which was widely published by the media thereafter—which confirmed how the Foundation for the Oppressed enabled Iran-sponsored terrorist attacks. In the Cable, State documented how the Under Secretary for Terrorism and Financial Intelligence at Treasury had discussed with Turkish officials "Iran's use of the international financial system to transfer funds to terrorists," and in particular, through "IRGC" transactions aimed at "increasing" the IRGC's "role in the Iranian economy," while a Turkish official "described the important role of Bonyads" and said that the IRGC's "share of Bonyad-controlled business was increasing."[73] The Under Secretary "cautioned that the IRGC's growing role in the Iranian economy was not limited to the public sector, but included the private sector as well," and he stated that "Irancell, Iran's leading telecom company, is fully owned by the IRGC."[74] (The IRGC-led Foundation was

[72] *See*, *e.g.*, U.S. Dep't of State, *International Narcotics Control Strategy Report: Country Reports* (Mar.1, 2007); *see also* U.S. Dep't of Treas., *Testimony of Pat O'Brien, Assistant Secretary Office of Terrorist Financing and Financial Crimes U.S. Department of the Treasury Before the Senate Committee on Banking, Housing, and Urban Affairs* (June 22, 2006).The Foundation was always the largest bonyad with the worst reputation of them all.

[73] U.S. Dep't of State, Cable, *U/S Levey Seeks Turkish Cooperation Against Iranian Terrorism Finance & Nuclear Proliferation* (Dec. 18, 2006) (as published online).

[74] *Id.*

effectively in charge of Irancell, so it ineluctably follows that the Foundation was also "fully owned" by the IRGC.)

76. By 2005, the Foundation's role in Hizballah attacks sponsored by the IRGC through sanctions evasion, intelligence gathering, and operations cover was well known throughout the world. As early as 1995, *Newsday* reported that "the [F]oundation [for the Oppressed] served as a front" for "the placement of agents from the [IRGC], dedicated zealots who … spy and obtain military technology from the United States and abroad," and "provides safe haven for groups and individuals supporting the Islamic terrorist group" "Hezbollah." In 1996, the *Financial Times Mandate* described the Foundation as the "richest and most notorious" of Iran's bonyads that "is controlled by the Islamic Revolutionary Guard Corps." In 2001, the BBC reported that "the Foundation for the Oppressed" is "an organization that gives financial support to Iran's … acts of terrorism abroad" through its role as "a subsidiary of the IRGC" whose investments are "under the control of Hezbollah." In 2002, the BBC reported that the Foundation was funding "increase[s] in Hezbollah's budget" and "establishments like … [the] 'Mostaza'fin' (Foundation for the Oppressed) give every month vast amounts of financial aid to the families of Hezbollah's martyrs, injured and handicapped members."

3. Islamic Revolutionary Guard Corps (IRGC)

77. Since April 1979, the IRGC—also known as the "Sepah" and "Pasdaran," "Guards," and "Corps," and "Guardians"—has operated as a global terrorist organization.

78. The IRGC's primary mission was—and is—to target the United States for terrorist violence. Since 1979, the IRGC regularly engaged in and supported terrorist attacks directed at the United States, seeking to coerce the U.S. government into changing U.S. policy, including by prompting America's exit from the Middle East and abandonment of its allies there, including Israel, and by deterring, degrading, and destroying U.S.-origin sanctions against Iran.

79. The IRGC's doctrinal and institutional targeting of the United States was a product of Iran's history with America, and the IRGC founders' understanding that the United States threated their nascent terrorist enterprise. As Qasem Soleimani publicly enthused in his posthumous autobiography, "All of you loved Imam," *i.e.*, Ayatollah Khomeini, "and believed in his path. [Ayatollah Khomeini's] path was the path of fighting against the U.S. and supporting the Islamic Republic and the Muslims, who are [O]ppressed by the Arrogant Powers," *i.e.*, the United States government and its allies, including Israel, "under the flag of *Wilayat-e-Faqih*", *i.e.*, Ayatollah Khomeini's system of rule of the jurisprudent.

80. Ayatollah Khomeini established the IRGC to target the United States, in line with his view that the U.S. government threated the IRGC's transnational terrorist agenda. Representative examples of his pronouncements included, but were not limited to:

a. "America is the number one enemy."

b. "America is the archenemy of the Oppressed people of the world."

c. "Let brotherly Arab nations and the … Lebanese brothers know that all their miseries are caused by America."

d. "Cold and warm weapons, that is, pens, words and machineguns should all be aimed at the enemies of mankind, headed by America."

e. "Confronting America is presently above all our problems. If today our forces become divided, it benefits America. Right now, America is the enemy and all our equipment should be aimed at this enemy."

81. The IRGC has always been notoriously responsible for executing the "security" agenda of the Islamic Revolution, for which "security" was always a well-known Iranian term of art widely known to reference attacks targeting the United States to export the revolution.[75] In

[75] *See, e.g.*, Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance*, 22 (Nov. 19, 2019) (Iran's "security"-related "doctrine and strategy" held that Iran's "network of militant partners and proxies enable[d] Tehran to advance its interests in the region and attain strategic depth" from "the United States—its primary adversary")

Salazar v. Islamic Republic of Iran, et al., for example, Judge Bates made factual findings that "the IRGC and the MOIS" comprised "the Iranian government's official state security apparatus" and "liaise with each other" and, in such context, "Iran trained, outfitted, and financed Hizbollah under the auspices of the IRGC, a … terrorist operations force that answered to the Ayatollah, the 'supreme leader' of Iran's theocracy" such that, "[w]ith the support of the MOIS and the IRGC, Hizbollah undertook a series of terrorist acts directed at Westerners in the early 1980s," which included "the bombing[] of a United States Marine Corps barracks" in "October 1983" that killed 241 American servicemembers.[76]

82. Indeed, the Terrorist Sponsors have openly touted how Iran's "security" agenda entailed supporting terrorist attacks. In 1989, "the IRGC rebranded itself as a publicly and privately funded … security force with a diverse array of both domestic and foreign missions."[77] In 2007, IRGC Commander Major General Rahim Safavi observed that "security" was a "major

(hereinafter, "Def. Intel. Agency, *Iran Military Power 2019*"); *Id*. at 18 (the "major components of Iran's security apparatus" always "include[d] the IRGC."); Kenneth Katzman, *Iran's State-Linked Conglomerates*, Congressional Res. Serv.: CRS Insight (Oct. 17, 2016) (identifying the "IRGC" as Iran's "hardline … security institution."); R. Nicholas Burns, *quoted in* Ashish Kumar Sen (Atlantic Council), *Dealing with Iran: A Policy of Engagement and Deterrence*, Harvard Belfer Center for Sci. & Int'l Affairs, States News Serv. (Jan. 19, 2016) (observing that "the people who actually run Iran's security policies, their intelligence networks, their support to the terrorist groups like Hezbollah …, are in the Iranian Revolutionary Guard Corps").

[76] 370 F. Supp. 2d 105, 110 (D.D.C. Mar. 29, 2005) (Bates, J.) (cleaned up).

[77] Brandon A. Pinkley (Joint History Office, Office of the Chairman of the Joint Chiefs of Staff), *Guarding History: The Islamic Revolutionary Guard Corps and the Memory of the Iran-Iraq War*, 56 (Office of the Joint Chiefs of Staff 2019) (hereinafter, "Pinkley, *Guarding History*")

mission[] of the IRGC."[78] In 2014, likewise, then-President Hassan Rouhani stated that "security is ensured through the IRGC" and the "IRGC is … meant for maintenance" of "security."[79]

83. The Executive and Legislative branches have spoken with one voice in finding that the IRGC was responsible for "security" in the Islamic Republic, and that such "security" relied upon IRGC- and Hizballah-sponsored terrorist attacks targeting the United States. In 2007, for example, Treasury designated the IRGC's Qods Force under Executive Order 13224 for its support of terrorism, including its sponsorship of terrorist attacks by Hizballah and JAM, among others. In so doing, Treasury confirmed that the Qods Force was "seeking to inflict casualties on U.S. … forces" and, *inter alia*, "had a long history of supporting Hizballah's military, paramilitary, and terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support" and continued to do so, and "provide[d] lethal support" to "Iraqi Shi'a militants who target and kill Coalition and Iraqi forces"—all of which efforts relied upon joint Qods Force-Hizballah training cells at which the "Qods Force operate[d] training camps for Hizballah in Lebanon's Bekaa Valley and has reportedly trained more than 3,000 Hizballah fighters at IRGC training facilities in Iran."[80] In 2017, likewise, Congress enacted the Countering America's Adversaries Through Sanctions Act ("CAATSA"), Pub. L. No. 115-44, 131 Stat. 906 (Aug. 2, 2017), which codified the "finding[]" by "Congress" that the ''IRGC–QF'' is "the primary arm of the Government of Iran for executing its policy of supporting terrorist and

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[78] Rahim Safavi, *quoted in* Frederic Wehrey, Alireza Nader, et al., *The Rise of the Pasdaran: Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps*, 19 (RAND 2009) (hereinafter, "Wehrey and Nader, *Rise of the Pasdaran*").

[79] Hassan Rouhani, *quoted in* Iran Briefing, *Rouhani's Speech to the IRGC Convention: Handing Over More Power to IRGC Than Ahmadinejad (Part II)* (Sept. 22, 2014).

[80] U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

insurgent groups" and "provides material, logistical assistance, training, and financial support to militants and terrorist operatives throughout the Middle East and South Asia" that "support[ed] … terrorism." 22 U.S.C. § 9404(a)(2).

84. Under Article 150 of Iran's constitution, as interpreted by the Ayatollah and the IRGC, it is the IRGC's responsibility to protect and export the Islamic Revolution by sponsoring terrorist attacks targeting the United States, and thus for the IRGC, exporting the revolution meant Hizballah-direct proxy attacks, usually committed by Hizballah and local Axis proxies, targeting the United States in the Middle East. For example, a DoD-published analysis noted:

> The Pasdaran [IRGC] derives its legal authority from Article 150 of the Islamic Republic of Iran's constitution. In accordance with Ayatollah Khomeini's intent, Iran's Revolutionary Council tasked the IRGC in [] broad categories [that included, *inter alia*]: ["][1] Apprehending or liquidating counter-revolutionary elements[;] [2] Battling armed counterrevolutionaries[;] [3] Defending against attacks and the activities of foreign forces inside Iran[;] … [4] Training subordinate IRGC personnel in moral, ideological, and politico-military matters[;] [5] Assisting the Islamic Republic in the implementation of the Islamic Revolution[;] [6] Supporting liberation movements and their call for justice of the oppressed people of the world under the tutelage of the leader of the Revolution [*i.e.*, Ayatollah Khamenei from 1989 through 2024] … [;] [and] [7] Utilizing the human resources and expertise of the IRGC to deal with national calamities and unexpected catastrophes and supporting the developmental plans of the Islamic Republic to completely maximize the IRGC's resources.["][81]

85. The preamble of Iran's constitution, as translated and interpreted by the Defense Intelligence Agency further confirmed that the IRGCs constitutional mission was to target the United States for terrorist attacks,[82] and provided that the IRGC was "An Ideological Army":

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[81] Colonel Sean J. Corrigan (U.S. Army), *Exploitable Vulnerabilities of Iran's Islamic Revolutionary Guard Corps*, 2 (Dep't of Def., Def. Tech. Info. Ctr. Oct. 12, 2011) (translating and quoting Iranian Constitution Article 150) (hereinafter, "COL Corrigan, *Exploitable Vulnerabilities*").

[82] *See*, *e.g.*, *Peterson v. Islamic Republic of Iran, et al.*, 264 F. Supp. 2d 46, 50-51 (D.D.C. 2003) (Lamberth, J.) ("[The 1979] constitution, [] is still in effect today. The preamble to the 1979 constitution sets forth the mission of the post-revolutionary Iranian state: [']The mission of the Constitution is to realize the ideological objectives of the movement and to create conditions

> In establishing and equipping the defense forces of the country, it shall be taken into consideration that faith and ideology are the basis and criterion. Therefore, the Army of the Islamic Republic of Iran and the Revolutionary Guards Corps will be formed in conformity with the above objective, and will be responsible not only for protecting and safeguarding the frontiers [of the Islamic Revolution] but ***also for the ideological mission, that is, Jihad***, for God's sake and struggle for promoting the rule of God's law in the world. (Emphasis added.)[83]

86. MTN knew the IRGC's above constitutional mandates. In 2004, for example, MTN analyzed a "new interpretation of Article 44" of Iran's constitution for impacts on MTN.[84]

87. When the IRGC targeted the United States, it used channels that were intended to obscure its role and thus supply plausible deniability for Iran. This was to prevent the IRGC's terrorist violence from escalating into armed conflict between America and Iran. Accordingly, IRGC doctrine focused on conducting attacks via proxy. Iranian "security objectives" and "defense strategy" always emphasized "reliance on unconventional operations" by IRGC proxies "to carry out" terrorist "attacks on" Iranian "adversaries" through Iran's "relationships with a wide range of primarily Middle Eastern militias, militant groups, and terrorist organizations."[85]

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conducive to the development of man in accordance with the noble and universal values of Islam. With due attention to the Islamic content of the Iranian Revolution, the Constitution provides the necessary basis for ensuring the continuation of the Revolution at home and abroad. In particular, in the development of international relations, the Constitution will strive with other Islamic and popular movements to prepare the way for the formation of a single world community ... to assure the continuation of the struggle for the liberation of all deprived and oppressed peoples in the world.['] The post-revolutionary government in Iran thus declared its commitment to spread the goals of the 1979 revolution to other nations. Towards that end, between 1983 and 1988, the government of Iran spent approximately $50 to $150 million financing terrorist organizations in the Near East. One of the nations to which the Iranian government directed its attention was the war-torn republic of Lebanon.") (findings of fact).

[83] Iran Constitution, Preamble, *quoted in* Def. Intel. Agency, *Iran Military Power 2019*, 4.

[84] *See*, *e.g.*, MTN Group Ltd., *Highly Confidential Iran Political and Economic Update*, at 4-5 (Oct. 8, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 360-61; MTN Group Ltd., *Highly Confidential Iran Update*, at 3-4 (Nov. 12, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 360-61.

[85] Def. Intel. Agency, *Iran Military Power 2019*, 33.

88. At all relevant times, the entirety of the IRGC operated as terrorists that sponsored attacks targeting the United States (including through attacks against U.S. allies).

89. The IRGC comprises multiple branches, including but not limited to:

a. The **IRGC Qods Force** (or "IRGC-QF") is "Iran's primary practitioner of irregular warfare outside its borders," and "employs all instruments of national power in support of this strategy"—including "functions normally executed by officers of the diplomatic corps, the foreign ministry, the national intelligence service, the ministry of defense, and the ministry of finance in most other nations."[86] Its operatives directly plan, finance, and sponsor—and often participate in—terrorist attacks by proxy forces.

b. The **IRGC Intelligence Organization** (or "IRGC-IO") is the Iranian regime's largest, most powerful, and most lethal intelligence arm and played a key role alongside the Qods Force (for whom it embedded in operations outside of Iran) in IRGC attacks outside Iran.

c. The **IRGC Aerospace Force** (or "IRGC-ASF") is the IRGC's arm jointly responsible (alongside the IRGC-QF and IRGC-IO) for executing IRGC-supported missile and uncrewed aerial vehicle attacks, as well as other air attack functions. The IRGC-AF includes the IRGC-Aerospace Force Al-Ghadir Missile Command (or "IRGC-Missile Command"), which shares responsibility for missile attacks alongside the IRGC-QF and IRGC-IO.

d. The **IRGC-Basij** is an internal security militia and paramilitary force that includes armed brigades, anti-riot police, and a vast network of informers whose job includes, inter alia, recruiting fighters to commit attacks.

e. The **IRGC Navy** is the IRGC's naval organization that smuggled terrorists, weapons, and funds, and harassed of U.S. military vessels, in the Persian Gulf.

90. The Executive and Legislative branches have spoken with one voice in finding that the entirety of the IRGC is a terrorist organization that enables anti-American attacks. CAATSA, for example, codified the "finding[]" by "Congress" in 2017 that "[t]he IRGC, not just the IRGC–QF, is responsible for implementing Iran's international program of destabilizing activities, support for acts of international terrorism, and ballistic missile program." 22 U.S.C. § 9404(a)(3). In 2017, the Executive branch made a substantially similar finding when Treasury designated every other component of the IRGC as a Specially Designated Global Terrorist (like

[86] COL Corrigan, *Exploitable Vulnerabilities*, 39.

the IRGC-QF, an SDGT since 2007) "for providing support to a number of terrorist groups," including Hizballah, and for "provid[ing] material support to the IRGC-QF, including by providing training, personnel, and military equipment."[87]

91. IRGC members swear an Islam-based lifetime oath of loyalty to the Supreme Leader that makes them part of a terrorist fraternity whose members serve for life. Accordingly, as Defendants knew, whether an IRGC member was "active" or "retired" IRGC was irrelevant to whether they played an important role in sponsoring anti-American terrorist attacks because both (a) no one truly retires from the IRGC; and (b) the network of IRGC alumni were the foundation of the IRGC's ability to finance and arm attacks committed by Hizballah and other IRGC proxies.[88] As MTN always knew from its on-the-ground experience, in-house intelligence, and

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[87] U.S. Dep't of Treas., *Treasury Designates the IRGC Under Terrorism Authority And Targets IRGC And Military Supporters Under Counter-Proliferation Authority* (Oct. 13, 2017).

[88] *See*, *e.g.*, COL Corrigan, *Exploitable Vulnerabilities*, 1-3, 13-14, 34-35, 44-45 (IRGC members serve for life and IRGC alumni network powers proxy violence); U.N. Security Council, *Final Report Of The Panel Of Experts Established Pursuant To Resolution 1929 (2010), S/2015/401* ¶72 n.92 (June 1, 2015) ("It is noted that it is not unusual for IRGC high-ranking officials to move from a position in its military wing to IRGC civilian structures and vice versa."); U.S. Attorney's Office for the Dist. of Columbia, United States' Verified Complaint For Forfeiture In Rem, ¶¶15-19, Dkt. 1, *United States v. All Petroleum-Product Cargo Aboard The Bella With Int'l Maritime Org. No. 9208124, et al.*, Case No. 1:20-cv-01791 (Verified Compl. filed July 1, 2020) (Verified Compl. by then-AUSA, now Magistrate Judge, Zia M. Faruqui) ("A confidential reliable source … stated that, during planning discussions regarding sanctions evasion, [IRGC member Mahmoud] Madanipour said that … in order to conceal IRGC involvement, the government of Iran had officially retired numerous IRGC leaders and then placed them at the heads of companies in key Iranian industrial sectors."); Dr. Monika Gill, *Capitalism, Communications, and the Corps: Iran's Revolutionary Guard and the Communications Economy*, Def. Strategic Communications: The Official J. ofNATO Strategic Communications Centre of Excellence,111-12 (Autumn 2020) ("The IRGC acts as a business fraternity within which members of the Guard can progress along a prescribed career path. Following active service, IRGC members are offered senior positions in state-affiliated media organisations and telecommunications networks such as IRIB, TCI, and MTN Irancell. Accordingly, 'no one ever leaves the IRGC'; its senior officers are viewed as an Iranian 'freemasonry' and 'Ivy League network', signalling that the IRGC exceeds ideological devotion. … When 'privatising' the national media and telecommunications infrastructure, the Ahmadinejad regime sold its majority stake to the IRGC, blending its mission of national

leaders with direct IRGC-facing experience, IRGC commanders "retired" by virtue of hanging up their IRGC uniform and continuing to serve the IRGC in an ostensibly "civilian" capacity, *e.g.*, by managing IRGC arms procurement. Such role, however, continued enabling IRGC attacks regardless of the label, as the United States has repeatedly confirmed in its sanctions designations, including its 2020 designation of the Foundation for the Oppressed. Indeed, MTN Group's repeated unqualified references to Shamkhani as "Admiral" during MTN discussions and correspondence in 2004-2005 confirmed that MTN was aware of the IRGC's custom and practice of IRGC members never actually retiring because Shamkhani was, in theory, a civilian during the 2004-2005 period yet MTN still knew to call him by one of his IRGC ranks.

92. The IRGC always relied on the use of children. It did so based upon an edict by Ayatollah Khomeini—which remains in effect today—that those who fight for the Supreme Leader (*e.g.*, the IRGC and Hizballah) must use children to commit unspeakable violence. As Khomeini famously instructed: "Our leader is that 12-year-old boy: who, with his small heart," and "with grenade in hand, threw himself under enemy tank and destroyed it and himself, and thus drank the nectar of martyrdom." During the Iran-Iraq war, the IRGC used children as human mine sweepers, deliberately killing tens of thousands of young Iranian boys in the process.[89]

93. In 2007 Treasury designated the IRGC's Qods Force under Executive Order 13224 for its support of terrorism, including its sponsorship of terrorist attacks by Hizballah, and

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security with 'investor profits'. In holding senior economic positions in communications infrastructure companies and accruing profits, the IRGC became a 'moneymaking machine … The IRGC's opportunistic and exploitative involvement in the communications economy facilitated a system of military crony capitalism within Ahmadinejad's Iran. … The IRGC grew to depend on the communications economy to support the personal and financial endeavours of the Guard, who valued safeguarding their own self-interest to the same extent as they valued safeguarding the revolution.").

[89] *See*, *e.g.*, Amb. Nikki Haley, *Remarks at a UN Security Council Open Debate on the Middle East*, U.S. Mission to the U.N. (Oct. 18, 2018).

JAM, among others. In so doing, Treasury confirmed that the Qods Force was "seeking to inflict casualties on U.S. … forces" and, *inter alia*, "had a long history of supporting Hizballah's military, paramilitary, and terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support" and continued to do so, and "provide[d] lethal support" to "Iraqi Shi'a militants who target and kill Coalition and Iraqi forces"—all of which efforts relied upon joint Hizballah-Qods Force training cells at which the "Qods Force operate[d] training camps for Hizballah in Lebanon's Bekaa Valley and has reportedly trained more than 3,000 Hizballah fighters at IRGC training facilities in Iran."[90]

94. In 2019, the United States designated the entire IRGC—including the IRGC-QF, IRGC-IO, IRGC-AF, and IRGC Basij—as an FTO. State explained that the IRGC's designation as an FTO directly responded to, *inter alia*, Iran's historic and "continue[d]" use of the IRGC to "provide financial and other material support, training, technology transfer, advanced conventional weapons, guidance, or direction to a broad range of terrorist organizations, including Hizballah," "Kata'ib Hizballah in Iraq," and "other terrorist groups in Syria and around the Gulf"; and because Iran "is responsible for the deaths of at least 603 American service members in Iraq since 2003"—which "accounts for 17% of all deaths of U.S. personnel in Iraq from 2003 to 2011."[91] In announcing the designation, the Secretary of State confirmed that the IRGC's "support for terrorism is foundational and institutional," that it "plans, organizes, and

[90] U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

[91] U.S. Dep't of State, *Fact Sheet: Designation of the Islamic Revolutionary Guard Corps* (Apr. 8, 2019).

executes terror campaigns all around the world," and that the "IRGC institutionalized terrorism shortly after its inception, directing horrific attacks . . . alongside … Lebanese Hizballah."[92]

95. Both before and after its 2019 FTO designation, the IRGC promoted, fomented, funded, supported, and engaged in terrorist attacks through the full range of terrorist modalities. It provided training, weapons, funding and operational support to proxy terrorists throughout the world via IRGC-QF and IRGC-IO.

96. Ayatollah Khamenei and the IRGC controlled a litany of major Iranian media outlets, including its state-owned media monopoly, Islamic Republic of Iran Broadcasting (IRIB), whose flagship "news" program, Voice and Vision of the Islamic Republic, operated similarly to governmental press releases. In addition to the IRGC's control of IRIB and IRIB's TV, radio, and satellite monopolies, the IRGC also controlled, *inter alia*, a wide array of "media" outlets, web sites, and social media channels, including, but not limited to, Tasnim, Mehr, Islamic Republic News Agency ("IRNA"), Islamic Students News Agency ("ISNA"), among others. As two Iran scholars publicly warned in the *Washington Times* on July 14, 2005, "active or former commanders of the IRGC maintain control over many of the principal dailies," as part of Khamenei's delegation to "the IRGC [of] full control over Tehran's terror network" based upon his "admiration of" the IRGC "for 'running effective … operations' in Iraq."

97. The IRGC was never a part of the nation of Iran's regular armed forces. Properly understood given the totality of its conduct, doctrine, statements, and history, the IRGC was a transnational terrorist group that captured, and organized, certain implements of the Iranian state to pursue the IRGC's primary mission to export the Islamic Revolution through attacks targeting the United States, including by attacking U.S. allies like Israel. For example, in *Higgins v.*

[92] Michael R. Pompeo, *quoted in* U.S. Dep't of State, *Remarks to the Press* (Apr. 8, 2019).

Islamic Republic of Iran, et al., Judge Kollar-Kotelly found that, with respect to "Iran's aim to export terrorism operations," the Terrorist Sponsors' "chosen instrument was the Islamic Guard [*i.e.*, IRGC]," which was "a distinct entity from the Iranian Armed Forces [*i.e.*, Artesh]" because the IRGC's "mission was to export the Islamic Revolution to other countries" and, for such IRGC mission, the "Islamic Guard [IRGC] provided support to Hizballah" in "the form of armaments, training in military operations, and cash payments."[93] Indeed, the IRGC expressly disclaimed the notion that it was a part of the armed forces for the nation of Iran. Moreover, the Terrorist Sponsors have also expressly disclaimed that they were ever in an "armed conflict" with the United States. According to the DIA, for example, while "Tehran believe[d]" that "the United States" was "engaged in a hybrid war to subvert the regime and its objectives," DIA concluded that "Iran view[ed] this situation as short of armed conflict."[94] The IRGC also regularly violated the laws of war when it committed its barbaric terrorist attacks.

4. Hizballah

98. In 1982, the IRGC founded Hizballah by deploying the resources of the IRGC and Foundation for the Oppressed to Lebanon. Ever since, Hizballah has served as the IRGC's most important terrorist partner. Hizballah's original name was selected by the same people who created the Foundation for the Oppressed on Earth; its Iranian creators called their newly created, and inextricably intertwined, Lebanese proxy the "Organization for the Oppressed on Earth."

99. In 1985, the Organization for the Oppressed announced a rebrand as "Hizballah" when it published what it entitled an "Open Letter Addressed by Hizballah to the Oppressed in

[93] 2000 WL 33674311, at *5-6 (D.D.C. Sept. 21, 2000).
[94] Def. Intel. Agency, *Iran Military Power 2019*, 23.

Lebanon and the World," which is commonly referred to as Hizballah's Manifesto. In it, Hizballah announced, among other things:

a. "We, the sons of Hizballah's nation, whose vanguard God has given victory in Iran and which has established the nucleus of the world's central Islamic state, abide by the orders of a single, wise, and just command represented by the guardianship of the jurisprudent (*vali-e faqih*), currently embodied in the supreme Ayatollah … Khomeini. …"

b. "[O]ur military apparatus is not separate from our overall social fabric."

c. "[The] first root of vice is America. … Imam Khomeini, our leader, has repeatedly stressed that America is the cause of all our catastrophes and the source of all malice."

100. Hizballah members swore their loyalty to Ayatollah Khomeini until his death, after which they swore their loyalty to Ayatollah Khamenei. During the period when Hizballah attacked or enabled the attack against each Plaintiff, every Hizballah operative worldwide was commanded by, and swore their oath to, Ayatollah Khamenei.

101. Hizballah's geographic power base was in Lebanon, where it operated a parallel shadow government. However, Hizballah's activities stretched far beyond Lebanon's borders to wherever the Terrorist Sponsors wanted to extend their influence.

102. Like the IRGC, Hizballah recruited children, whom they used to commit attacks.

103. The IRGC has long coordinated its operations so closely with the Lebanese terrorist group Hizballah that Hizballah is functionally a division of the IRGC. As IRGC General Amir Hajizadeh admitted to IRGC-controlled *Fars News Agency*, "The IRGC and Hizballah are a single apparatus jointed together."[95]

104. For decades, Hizballah has served as the IRGC's primary operational interface with other terrorist groups. Created by the IRGC in 1982, Hizballah has been designated as a Foreign Terrorist Organization since 1997. During the relevant period, Hizballah coordinated

[95] U.S. Dep't of State, *Country Reports on Terrorism 2014* at 1774 (June 2015).

closely with the IRGC and Supreme Leader's Office to train, equip, and direct the operations of other terrorist groups that attacked Plaintiffs. Hizballah's "Security Committee, which was later renamed the Liaison and Coordination Unit," helped Hizballah coordinate with Iran and Hizballah proxies alike.[96]

105. "Hizballah's" attack arm was "known as the External Security Organization" and was "primarily responsible for overseas terrorism operations, including against Western targets" associated with "the United States as [one of Hizballah's two] principal adversaries."[97] "Hizballah's External Security Organization (ESO) … maintains organized cells worldwide" and "is the Hizballah element responsible for the planning, coordination, and execution of terrorist attacks outside of Lebanon."[98]

106. At all relevant times, Hizballah was led by Secretary General Hassan Nasrallah, who played a direct role in Hizballah's attacks (*i.e.*, "operations"), including, but not limited to, attack planning, attack recruitment, and attack coordination with Ayatollah Khamenei, Qasem Soleimani, and their allies in the Khamenei Cell.[99] Nasrallah, who was killed on September 27, 2024, has admitted, "Hezbollah's budget, its income, its expenses, everything it eats and drinks, its weapons and rockets, come from the Islamic Republic of Iran."[100]

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[96] U.S. Dep't of Treas., *Treasury Targets Iranian-Backed Hizballah Officials for Exploiting Lebanon's Political and Financial System* (July 9, 2019).

[97] U.S. Office of the Director of National Intelligence, National Counterterrorism Center, Counterterrorism Guide: Lebanese Hizballah (Sept. 2022).

[98] U.S. Dep't of Treas., *Treasury Designates Hizballah Leadership* (Sept. 13, 2012).

[99] *See*, *e.g.*, U.N. Sec. Council, *Final Report Of The Panel Of Experts Established Pursuant To Resolution 1929 (2010)* ¶67 & n.81 (June 1, 2015).

[100] *See*, *e.g.*, U.N. Sec. Council, *Second Report of the Secretary-General on the Implementation of Security Council Resolution 2231 (2015)* ¶8 (Dec. 30, 2016).

107. Hizballah and the IRGC, recognized those interrelationships and so the IRGC could comfortably ramp up the spending for Hizballah's campaign in Iraq knowing that the professional Hizballah terrorists would retain command-and-control of the Joint Cells in Sadr City, Basra, and elsewhere. The IRGC has used the same joint cell approach—combining Shiite terrorists into a single unified command structure under Hizballah's leadership to support wide-ranging attacks—in other terrorist hot zones bordering Iraq, most notably Syria.

108. The United States has identified the IRGC as responsible for "train[ing] Hizbollah operatives in Lebanon and Iran."[101] Hizballah, in turn, frequently took responsibility for training other IRGC proxy terrorists in Iraq, among other places. For example, Hizballah operated joint cells with Jaysh al-Mahdi (including JAM Special Group Asaib Ahl al-Haq and JAM Special Group Kataib Hizballah) in Iraq, providing technical expertise, weapons training, and operational guidance for attacks.

109. With IRGC training and assistance, Hizballah pioneered several signature attacks, including hostage-taking, 107mm and 122mm rocket attacks, UAV attacks, missile attacks, and roadside bomb attacks using sophisticated devices known as explosively formed penetrators ("EFPs"). The IRGC provided Hizballah with such arms.

110. Hizballah provided direct assistance to, and was often involved in, terrorist attacks in Iraq that Hizballah jointly committed with JAM. In 2010, for example, the Assistant Secretary of State testified that: "In Iraq, we are also aware of Hizballah providing training and other support to Shia militant groups. As of early 2007, an Iran-based individual by the name of Abu Mahdi al-Muhandis"—who was killed alongside Qasem Soleimani in 2020—"formed a

[101] U.S. Dep't of Treas., *Treasury Targets Hizballah Network in Africa* (May 27, 2009).

militia group, employing instructors from Hizballah to prepare this group and certain Jaysh al-Mahdi Special Groups for attacks against Coalition Forces in Iraq."[102]

111. Unlike other IRGC proxies, Hizballah had a formal role within Iran's broader terroristic enterprise. For example, Hizballah operatives swore a religious oath to Ayatollah Khamenei. Similarly, Hizballah maintained "liaison" officers at many IRGC-controlled commercial fronts.

112. The Terrorist Sponsors have confirmed that Hizballah was part of Iran's "security" agenda. In 2015, for example, Hizballah co-founder Ali Akbar Mohtashemi explained, "[Hizballah] is part of the Iranian rulership; [Hizballah] is a central component of the Iranian … security establishment."[103] In 2016, likewise, IRGC founder and Hizballah co-founder Mohsen Rafiqdoost stated that Khomeini "created Hizbullah" as one of the "Iranian security forces" responsible for "Islamizing other countries" in the Middle East.[104]

113. Hizballah's support of, and involvement in, attacks by JAM in Iraq—made possible by IRGC, including Qods Force and IRGC-IO, funds, arms, technologies, and logistical support—likely accounted for more Americans killed or injured in terrorist attacks after 9/11 than any other single geography of attacks by any other FTO anywhere during a similar period.

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[102] Jeffrey D. Feltman, *Hezbollah Assessment; Testimony, Senate Foreign Relations, June 8, 2010*, Congressional Testimony via FDCH (June 9, 2010), 2010 WLNR 11745058 (cleaned up).

[103] Ali Akbar Mohtashemi, *quoted in* Col (ret.) Richard Kemp and Maj (ret.) Charles Driver-Williams, *Killing Americans and Their Allies: Iran's Continuing War against the United States and the West*, Jerusalem Ctr. For Public Affairs (2015).

[104] Mohsen Rafiqdoost, *quoted in* Middle East Media Research Institute (MEMRI), *Iranian Official: 'If America Wants To Try Its Luck Against Us, [It Should Know That] We Are Completely Capable Of Mobilizing 9 Million Fighters... In Under 10 Days'; 'We Have Warehouses Full [Of Missiles]... That Can Hit Tel Aviv'*, MEMRI Iran Special Dispatch No. 6634 (Oct. 2, 2016), https://tinyurl.com/yc8ef3tc.

5. Supreme Leader's Office (SLO)

114. Since 1989, Ayatollah Khamenei's official title has been "Supreme Leader of the Islamic Revolution," which reflected his—and the SLO's—transnational scope. Consistent with this approach, the SLO served as a multi-faceted operations, finance, and logistics front for Hizballah, the IRGC, and Khamenei's allies.

115. Ayatollah Khamenei overhauled the SLO to optimize the Iranian regime's financial and logistical support for Hizballah-sponsored terrorist attacks, including in Israel. Consistent with this overhaul, Khamenei also dramatically tightened his personal grip on the Foundation for the Oppressed, Hizballah, the IRGC, and the SLO—*i.e.*, the Terrorist Sponsors.

116. To ensure control, Khamenei deployed SLO operatives (who were simultaneously members of the IRGC) to serve as his representatives to Hizballah, the Foundation for the Oppressed, and the IRGC, among others. Under Khamanei's control—exercised through his IRGC terrorist son, Mojtaba Khamenei, the Ayatollah ordinarily operated the SLO to maximize the amount of money spent on terrorism. Ayatollah Khamenei, Mojtaba Khamenei, and their SLO agents embedded Khamenei's loyalists into every Iranian-regime-related organization of consequence (government and business alike) to serve as eyes and ears for the Khameneis and SLO they jointly operated—including all components of the Foundation for the Oppressed, IRGC, and Hizballah—through the Supreme Leader's "representatives."

117. The SLO provided a financial slush fund for terrorist activities. Ayatollah Khamenei, Hizballah, the IRGC, and the Foundation for the Oppressed programmatically redeployed SLO resources, personnel, and profits to assist terrorist attacks by Iranian proxies. The SLO played a direct operational role in Hizballah- and IRGC-sponsored proxy attacks.

118. U.S. sanctions designations confirmed the SLO enabled attacks. On June 24, 2019, for example, the President issued Executive Order 13876 blocking the SLO under its

counterterrorism authorities, in recognition of the Supreme Leader's and SLO's role in exporting "violence, sabotage, and terrorism" sponsored by "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. Also on June 24, 2019, Treasury designated additional members of the SLO under Executive Order 13876 to protect the United States from "the actions of the Government of Iran" to "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. In doing so, Treasury explained that Khamenei and his "appointees in the Office of the Supreme Leader" were "responsible for advancing Iran's radical agenda" through "a shadow network" of "military and foreign affairs advisors who have for decades . . . exported terrorism . . . around the world."[105] These "unelected officials who surround Iran's Supreme Leader . . . are linked to a wide range of malign behaviors by the regime, including bombings of the U.S. Marine Barracks in Beirut in 1983" and "extrajudicial killings," according to the U.S. Treasury Secretary.[106]

B. The Terrorist Sponsors Used the Supreme National Security Council to Direct, Joint Cells to Coordinate, and MODAFL to Arm, Terrorist Attacks

119. The Iranian terrorist sponsors established a sophisticated institutional framework to direct, coordinate, and arm their anti-American operations through three primary mechanisms. *First*, Iran's **Supreme National Security Council (SNSC)**, controlled by Ayatollah Khamenei and the IRGC, served as the central decision-making body that assessed security policy and

[105] U.S. Dep't of Treas., *Treasury Designates Supreme Leader of Iran's Inner Circle Responsible for Advancing Regime's Domestic and Foreign Oppression* (Nov. 4, 2019).

[106] *Id.*

provided high-level authorization for terrorist attacks targeting the United States. *Second*, the **Ministry of Defense and Armed Forces Logistics (MODAFL)**, created in 1989 and consistently run by senior IRGC officers, functioned as the primary armorer supplying weapons and logistics to the Qods Force, Hizballah, and other Axis proxies. *Third*, a network of **Joint Cells**—most notably the **Khamenei Cell** established in 2000—coordinated the deployment of operatives, weapons, and intelligence while seeking to obscure Iran's direct involvement in specific attacks. Together, these three institutional pillars enabled the Terrorist Sponsors to maintain operational control over their proxy networks while executing complex, high-profile terrorist attacks targeting the United States throughout the Middle East.

1. Supreme National Security Council

120. At all relevant times, the Terrorist Sponsors leveraged the resources, powers, and networks of Iran's Supreme National Security Council (or "SNSC") to enable Iran-backed terrorist attacks targeting the United States. Ayatollah Khamenei and the IRGC controlled the SNSC and deployed the SNSC to obtain resources for, and supply coordination and high-level support for, Hizballah-led attacks sponsored by Iran that targeted the United States. As the *Hindu* reported in 1998, Khamenei used a "representative" to operate "the Supreme National Security Council" as "the body responsible for assessing security policy" assigned "the ultimate authority" over "relations with the U.S. and support for the pro- Iranian terrorist groups like Hizbollah." On July 14, 2005, likewise, two Iran scholars publicly warned that "active or former commanders of the IRGC maintain control over" the "Supreme National Security Council" as part of Ayatollah Khamenei's delegation to "the IRGC [of] full control over Tehran's terror network" based upon Khamenei's "admiration of" the IRGC "for 'running effective … operations' in Iraq." On July 17, 2005, likewise, Iran analyst Gary Samore at the International Institute for Strategic Studies told *Voice of America* that "crucial foreign policy issues" relating

to the United States were always "in the hands of the Supreme National Security Council, which is dominated by the Supreme Leader." On October 5, 2005, similarly, the *Washington Times* reported that "[l]eaders of the Islamic Revolutionary Guard Corps (IRGC) … dominate[d] Iran's Supreme National Security Council," and "Revolutionary Guard commanders" also had "taken charge of the council's internal security, strategy and political posts," with a "Revolutionary Guard veteran even serv[ing] as the council's press spokesman."

121. The Supreme National Security Council's primary role was to target the United States with terrorist violence, and the threat of terrorist violence, to advance the "security" interests of the Islamic Revolution as defined by Ayatollah Khamenei and the IRGC, and as implemented by the IRGC, the Iranian Ministry of Intelligence and Security ("MOIS"), the SLO, Foundation for the Oppressed, the Iranian Ministry of Defense and Armed Forces Logistics ("MODAFL"), and Hizballah, with Hizballah usually being the lead in-country operations face in places like Iraq. Under the custom and practice of the Terrorist Sponsors, Khamenei assigned the SNSC the role of coordinating the direction, resources, and personnel for such anti-American attacks, while Khamenei delegated the details and in-country supervision, and execution, of such attacks to his operations leadership cell, the Khamenei Cell, which was comprised of a network of a few dozen of Iranian, Lebanese, and Iraqi terrorists who were operations-focused, had a track record of successful attacks, and members of Khamanei's inner-circle.

122. At all relevant times, the Supreme National Security Council was directly involved in every high-profile Iran-sponsored individual attack or campaign of attacks that targeted the United States or risked the wrath of the U.S. government in accord with the Terrorist Sponsors' custom and practice, and terrorist tactics, techniques, and procedures. This was so because such attacks posed unique risks to the Terrorist Sponsors—balanced by the unique, and

unparalleled, upside benefits they offered to the terrorists in their twisted approach—and therefore always required vetting and approval by the Supreme Leader of the Islamic Revolution (Ayatollah Khamenei), the Supreme Leader's hand-selected decision-making and resourcing inner circle (the SNSC), and the Supreme Leader's Hizballah-led operations leadership network (the Khamenei Cell).

123. Given its organizational mission targeting the United States, the SNSC was famously anti-American and openly threated terrorist violence targeting the United States to counter American sanctions pressure. In May 2003, for example, the BBC reported that "Supreme National Security Council" member, and "Commander of the [] IRGC, Yahya Rahim-Safavi warned against the suspicious acts and behaviours of some siding with the US policies and interests in" Iran.[107] In October 2005, likewise, the *Arab Press Service* reported that, with respect to Iraq: "Ali Larijani, head of Iran's Supreme National Security Council … was quoted by the [IRGC media arm] *Sisayat-e Rouz* daily as saying: ['']If pressured by America, Iran will use its full might to endanger America's interests.'"

124. As MTN knew, and the *Economist* reported in 2005, the Supreme National Security Council has always played a direct operational role in managing Irancell since the Iranian parliament enacted the Single Article Act in September 2005, which required that "Irancell"-related "security issues be referred to the intelligence ministry and the Supreme National Security Council."

[107] Islamic Republic News Agency (May 23, 2003), *quoted in* BBC Int'l Reports (Mid. E.), *Iran: Guards Commander Warns Against Actions Of People Siding With USA* (May 23, 2003).

2. Ministry of Defense and Armed Forces Logistics (MODAFL)

125. In 1989, Ayatollah Khamenei consolidated the IRGC's and the Artesh's[108] respective arms and logistics functions into a newly created Ministry of Defense and Armed Forces Logistics ("MODAFL").[109] He did so as part of his alignment with the IRGC: through MODAFL, which senior IRGC officers always ran or controlled, the IRGC completed its seizure of the entire procurement and logistics function in Iran relevant to the IRGC's weapons—and Hizballah's, which always depended on the IRGC for arms—including the vital logistics and communications systems required for successful attacks targeting the United States.

126. At all relevant times, the IRGC controlled MODAFL officially and the IRGC always used MODAFL as its primary armorer to the Qods Force, Hizballah, and Axis proxies. During the relevant period, senior IRGC leaders who ran MODAFL to benefit IRGC-sponsored attacks included former IRGC Commander-in-Chief Mohammad Forouzandeh, IRGC Vice Admiral Ali Shamkhani, IRGC Brigadier General Mostafa Mohammad-Najjar, IRGC Qods Force Commander Ahmad Vahidi, and IRGC Aerospace Commander Hossein Dehghan. As an analysis of the IRGC published by DoD in 2011 explained, "[a]lumni of the IRGC and its

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[108] The Artesh are Iran's conventional armed forces, which are distinct from the IRGC.

[109] *See*, *e.g.*, Pinkley, *Guarding History*, 56 (Office of the Joint Chiefs of Staff 2019) ("Following the [Iran-Iraq] war, rather than demobilize either the IRGC or the Artesh, or integrating one into the other, Iran's postwar strategy opted to maintain both. The IRGC Ministry and the conventional Ministry of Defense merged to create the Ministry of Defense and Armed Forces Logistics (MODAFL) …. Operational chains of command for both the IRGC and Artesh remained separate, though both were placed under the AFGS for coordination. Under this parallel arrangement, the Artesh would remain Iran's conventional defensive military force, while the IRGC rebranded itself as a publicly and privately funded military and security force with a diverse array of both domestic and foreign missions.").

subordinate domestic militia, the Basij, are ministers and/or deputy ministers of … Defense and Armed Forces Logistics [MODAFL]."[110]

127. MODAFL's close association with IRGC and Hizballah terrorist operations was not a secret. Its leader during the period of Defendants' entry into the Irancell venture, Ali Shamkhani, was a longtime IRGC officer who openly cooperated with Hizballah. For example, on August 2, 2005, IRGC media outlet IRNA reported that "Hezbollah Secretary-General Shaykh Hasan Nasrallah conferred" in Iran "with Iran's Defence Minister [IRGC] Rear-Admiral Ali Shamkhani on issues of mutual interests," where "Shamkhani called Hezbollah as a successful model of resistance managing to drive the armed-to-the-teeth Zionist troops from Lebanon."[111] Moreover, "Nasrallah briefed the Iranian defence minister on the latest status of Hezbollah," while "[l]auding the supports shown by the Iranian government" for Hizballah-sponsored "resistance"—*i.e.*, terror—operations.[112]

128. As the primary logistics supplier for the IRGC, MODAFL was ultimately responsible for the flow of weapons to the IRGC-QF and Hizballah through to their Axis of Resistance proxies in Iraq and elsewhere.

129. U.S. sanctions designed to reduce Iranian sponsorship of violence have targeted MODAFL for decades and confirmed the gist of Plaintiffs' allegations about the key role that MODAFL played in the Terrorist Sponsors' attacks. Beginning in 1996, the U.S. has repeatedly sanctioned MODAFL for missile technology proliferation activities and involvement in Iran's WMD program. In 2007, for example, the United States designated MODAFL under Executive

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[110] COL Corrigan, *Exploitable Vulnerabilities*, 16.

[111] Islamic Republic News Agency (Aug. 2, 2005), *republished in* BBC Int'l Reports (Mid. E.), *Hezbollah Leader Meets Iranian Defence Minister* (Aug. 2, 2005).

[112] *Id.*

Order 13382 as a key Iranian entity of proliferation concern.[113] In 2008, likewise, U.S. sanctions designations warned that the Iranian regime relied upon "multiple MODAFL-subordinate entities" to "advance Iran's WMD programs."[114] In April 2009, similarly, U.S. sanctions further confirmed that, *inter alia*, a "former MODAFL director described the mass production of military batteries" for MODAFL "as having a great impact on enhancing the Iranian armed forces' military capability."[115]

130. The United States has confirmed through sanctions findings that MODAFL was the primary armorer to attacks sponsored by the IRGC, including attacks led by Hizballah, committed by IRGC proxies, and supported by the Qods Force. In 2010, for example, Treasury imposed sanctions targeting MODAFL upon finding, *inter alia*, that: (1) then-head of MODAFL Ahmad Vahidi was linked to "the IRGC-Qods Force"; (2) "MODAFL has … used IRISL [Islamic Republic of Iran Shipping Lines] to conceal the true destination of shipments of military-related goods destined for MODAFL"; (3) the "IRGC has been outspoken in its willingness to facilitate the proliferation of ballistic missiles capable of carrying WMD"; and (4) the "IRGC has broad links to Iran's ballistic missile programs and is one of the primary regime organizations tied to developing and testing the Shahab-3 missile."[116]

131. In 2019, likewise, the United States recognized that MODAFL served as a weapons procurement agent for the IRGC Qods Force, Hizballah, and their Axis proxies when

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[113] U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

[114] U.S. Dep't of Treas., *Fact Sheet: Treasury Strengthens Preventive Measures Against Iran* (Nov. 6, 2008) (cleaned up).

[115] U.S. Dep't of Treas., *Treasury Designates Iranian Proliferation Network and Identifies New Aliases* (Apr. 7, 2009).

[116] U.S. Dep't of State, *U.S. Treasury Department Targets Iran's Nuclear and Missile Programs* (June 17, 2010).

Treasury "designated Iran's MODAFL pursuant to Executive Order (E.O.) 13224 for its role in assisting the IRGC-Qods Force (IRGC-QF)" for "providing logistic support to the IRGC-QF and its regional proxy groups" by "assisting, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the IRGC-QF."[117] Treasury designated MODAFL for providing "support to the IRGC-QF and its regional proxy groups" upon finding, *inter alia*, that the "IRGC, MODAFL, and other malign actors in Iran" had "exploit[ed] the international financial system to evade sanctions, while the regime fund[ed] terrorism and other destabilizing activities across the region" for which this "vast network [was] just the latest example of the Iranian regime's use of deceptive practices to exploit the global financial system and divert resources to sanctioned entities" and that "MODAFL used funds from the Central Bank of Iran (CBI) that were earmarked for the IRGC-QF."[118]

132. In 2024, similarly, the United States imposed additional sanctions targeting MODAFL under the counterterrorism authority in E.O. 13224 and confirmed that the Terrorist Sponsors had used "MODAFL" to "finance Iran's destabilizing terrorist activities" and enable "the movement of funds supporting terrorism."[119] Treasury did so upon finding, *inter alia*, that:

a. "MODAFL and the IRGC engage in several commercial revenue-generating activities."

b. "Networks of Iranian exchange houses and dozens of foreign cover companies under their control enable MODAFL and the IRGC to disguise the revenue they generate abroad that is then available to use for a range of MODAFL and IRGC activities, including the procurement and development of advanced weapons systems."

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[117] U.S. Dep't of Treas., *United States Disrupts Large Scale Front Company Network Transferring Hundreds of Millions of Dollars and Euros to the IRGC and Iran's Ministry of Defense* (Mar. 26, 2019).

[118] *Id.*

[119] U.S. Dep't of Treas., *Treasury Targets Shadow Banking Network Moving Billions for Iran's Military* (June 25, 2024).

c. "Networks of … foreign cover companies under their control enable MODAFL and the IRGC to disguise the revenue they generate abroad that is then available to use for a range of MODAFL and IRGC activities, including … [by] support[ing] the provision of weapons and funding to Iran's regional proxy groups, … who continue a campaign of reckless attacks …."

d. "Shadow banking networks are multi-jurisdictional illicit finance systems which grant sanctioned Iranian entities access to the international financial system and obfuscate their trade with foreign customers" and "[t]he same cover companies, when directed by MODAFL …, use the laundered foreign currency to procure weapons components and other materiel on the international market."

e. "MODAFL" worked "to establish cover companies and accounts for MODAFL, hold MODAFL's money in accounts outside of Iran, transport hard currency across borders," and "transfer funds to suppliers of MODAFL" and "the IRGC."[120]

133. These U.S. government findings about MODAFL from 2019-2024 described a common custom and practice that MODAFL (led by the IRGC) pursued with respect to the United States in Iraq throughout the period from 2003 through 2013 when every Plaintiff was killed or injured by a Hizballah-backed attack there that leveraged MODAFL resources, including arms provided to Hizballah (and, through Hizballah, JAM) by MODAFL (including through the IRGC)..

3. Joint Cells, including the Khamenei Cell

134. Since the 1980s, the Terrorist Sponsors and their proxies have relied heavily on a "joint cell" model of violence, under which two or more terrorist groups combine one or more of their cells in a certain area, or for a certain competency, to optimize the lethality of their shared attacks. This joint-cell approach has enabled Iran's Terrorist Sponsors and Iran to maintain close control over their agents as they coordinated and executed terrorist attacks.

135. The most significant joint cell was the **Khamenei Cell**, which has existed since 2000 and was created and led by Ayatollah Khamenei to coordinate the deployment of

[120] *Id.*

operatives, weapons, logistics, pre-attack intelligence, and associated finances and fronts while seeking to obscure Iran's involvement in particular attacks. The Khamenei Cell was the operational outgrowth of Khamenei's decades-long operations-focused inner circle and included dozens of terrorist leaders who served Khamenei through their roles in the Foundation for the Oppressed, Hizballah, the IRGC, and SLO.

136. The Khamenei Cell included Hizballah and IRGC operatives based in Iran, Iraq, and Lebanon, and was remarkably stable, with every member being a terrorist leader who had sworn allegiance to the Supreme Leader, was a long-standing ally of Khamenei and part of his "inner circle" or a key lieutenant of such person, and who had directly sponsored attacks targeting the United States in the past. Some Khamenei Cell members were dual-hatted terrorists, meaning they were members of two allied groups.

137. Hizballah played a lead role in committing, planning, and authorizing specific attacks sponsored by the Khamenei Cell. The Khamenei Cell thus functioned, in effect, as the Hizballah-led terrorist attack network that operationalized Ayatollah Khamenei's and the Supreme Leader's Office's directives to execute on the most complex attacks, which almost always meant high-profile rocket, missile, UAV, bomb (including EFP), and hostage-taking attacks targeting the United States. Khamenei and the SLO directed Hizballah-led attacks for decades through the personal involvement of Khamenei, the SLO, and senior members of Khamenei's inner circle.

138. Hizballah operatives who served in the Khamenei Cell included, but were not limited to, Hassan Nasrallah, Muhammad Kawtharani, Khalil Harb, Yusuf Hashim, Mohammad 'Abd-al-Hadi Farhat, and Muhammad Yusuf Ahmad Mansur. Khamenei Cell members who led the Foundation for the Oppressed included, but were not limited to, Mohsen Rafiqdoost and

Parviz Fattah. IRGC members of the Khamenei Cell included, but were not limited to, Ali Shamkhani, Qasem Soleimani, Esmail Qaani, Rostam Qasemi, Mohammad Ali Jafari, and Hosein Taeb. SLO members of the Khamenei Cell included, but were not limited to, Mojtaba Khamenei, Mohsen Rezai, and Gholam-Ali Hadad-Adel. JAM operatives who served in the Khamenei Cell included, but were not limited to, Muqtada al-Sadr, Abu Mahdi al-Muhandis (aka Jamal Ja'far al-Ibrahimi), Qais Khazali, and Laith Khazali.

139. IRGC, Hizballah, and Axis of Resistance attacks are commonly committed through the work of joint cells in which two or more FTOs are co-located with one another for a common anti-American purpose, supported by joint training, procurement, financial support, logistics, basing, and intelligence.

140. In **Iran**, for example, the regime maintained multiple complexes in which the IRGC, Qods Force, Hizballah, Kataib Hizballah, JAM, and the Houthis trained, studied, and plotted together as one coordinated syndicate of terrorists who worked together to target the United States and sought to coerce the U.S. government to withdraw from the Middle East.

141. In **Iraq**, as an official DoD history of Iraq observed: "The Qods Force used members of Lebanese Hizballah, the Badr Corps, and, later, JAM" to create "Iranian surrogate" operations "cells throughout Iraq." On March 26, 2020, for example, Treasury sanctioned agents for, *inter alia*, "Kata'ib Hizballah" upon finding that "KH" was "an Iranian-backed terrorist militia group" that "receives lethal support from the IRGC-QF, and has been responsible for numerous terrorist acts against" "U.S. … forces in Iraq for over a decade, including bombings, rocket attacks, and sniper operations."

C. The Terrorist Sponsors Used Axis of Resistance Proxies to Commit Anti-American Terrorist Attacks in Iraq

142. In addition to the IRGC's own terrorist attacks, "Iran has also sponsored a network of terrorist partners and proxies in neighboring countries, sometimes referred to as the '**Axis of Resistance**,' which the regime uses to advance its geopolitical interests … through violence and terrorism," with such Axis proxies including, among others, "Lebanese Hizballah (Hizballah)" and "Iran-aligned militia groups in Iraq."[121] The Sponsors used those proxies to target the United States—directly, by targeting Americans, or indirectly, by targeting United States allies—to coerce U.S. government decisionmakers to withdraw from the Middle East.

143. Since 2003, this alliance has proudly called itself the "Axis of Resistance," and the terrorist groups that composed the Axis of Resistance acted as Iran's proxies for committing and facilitating terrorist attacks. The Terrorist Sponsors' Axis proxies included both Shiite and Sunni groups across the greater Middle East and North Africa. Axis members relevant here include Shiite groups like Hizballah, JAM and Kataib Hizballah in Iraq.[122]

144. The Terrorist Sponsors' support for its Axis of Resistance proxies is well known. In 2007, the U.S. government's designation of the IRGC-QF as an SDGT noted the group's history of "providing material support to … other terrorist organizations," including Hizballah

[121] U.S. Dep't of Treas., *FinCEN Advisory on the Iranian Regime's Illicit Oil Smuggling Activities, Shadow Banking Networks, and Weapons Procurement Efforts*, 2 (June 6, 2025).

[122] Although there are religious differences between the Shiite Iranian regime and Sunni proxies, those differences have not deterred the IRGC from supporting Sunni terrorist activities against Americans in the Middle East because they share the core geopolitical aim of expelling the United States from the region. As a Taliban commander stated in 2010 of Iran, "Our religions and our histories are different, but our target is the same – we both want to kill Americans." Bill Roggio, *Taliban Commander Linked To Al Qaeda, Iran, Killed In US Strike In Western Afghanistan*, Long War J. (July 16, 2010).

and "select groups of Iraqi Shi'a militants who target and kill Coalition and Iraqi forces and innocent Iraqi civilians."[123]

145. The IRGC's "security" agenda is to kill Americans to drive the United States out of the Middle East. The Joint Improvised Explosive Device Defeat Organization (JIEDDO) recognized in a 2009 report that "Iran's intentions are the same in both Iraq and Afghanistan: to develop, fund and arm proxy networks to leverage against the perceived U.S. aim of pursuing an active regime change doctrine in Iran." DoD recognized in 2010 that "Iran's security strategy" has been "based first on … its asymmetric warfare doctrine, which involves "active sponsorship of terrorist and paramilitary groups" "to pressure or intimidate other countries and more broadly to leverage it as a strategic deterrent"; the "most notable example . . . includes Iran's support for Lebanese Hizballah as well as its influence over proxy groups in Iraq."[124] Congress, too, has found that Iran has "further[ed]" its "security objectives" by supplying "material or financial support" to "Hezbollah, the Houthis," and "other proxy group[s]." 22 U.S.C. § 9424 (Apr. 24, 2024).

146. After 9/11, Hizballah and the Qods Force led this scheme. Hizballah's terrorist mastermind, Imad Mugniyeh, led this effort until the U.S. and Israel killed him in 2008, after which Mugniyeh was replaced by other Hizballah terrorist operatives. The IRGC's terrorist mastermind, Qassem Soleimani, led the Qods Force-related aspects of the scheme until his own death at the hands of an American drone strike in 2020.

[123] U.S. Dep't of State, *Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

[124] U.S. Dep't of Def., *Unclassified Report on Military Power of Iran*, 1 (Apr. 2010); *see* U.S. Dep't of Def., *Unclassified Report on Military Power of Iran*, 2 (Apr. 2012).

147. To operationalize the various nodes of the scheme—including transnational logistics, financial relationships, arms pipelines, smuggling routes, and the like—Hizballah and the IRGC worked together globally, following the same terrorist playbook and tradecraft.

148. To facilitate terrorist attacks against Americans by the Joint Cells and Jaysh al—Mahdi, the IRGC depended upon the large flow of money, equipment, weapons, and logistical support, as well as the "cover" provided by the corporate entity, from the complicit corporate partners, including MTN Group, Irancell, Defendant Nhleko, Defendant Charnley, and any corporate allies that conspired with the IRGC to create and operate these terrorist fronts.

1. The IRGC, Hizballah, and Jaysh Al-Mahdi Waged a Deadly Terrorist Campaign Against Americans in Iraq

149. On March 19, 2003, the United States invaded Iraq. U.S. troops seized control of Baghdad less than three weeks later, and on April 9, 2003, Saddam Hussein's government fell.

150. Formal armed hostilities between the United States and the Iraqi government ended on May 1, 2003. After that, American troops deployed to Iraq performed a peacekeeping and nation-building function—creating the political and security conditions conducive to Iraqi democracy—rather than a warfighting function. The official end of major combat operations allowed civilian reconstruction teams to enter the country.

151. The U.S. invasion of Iraq was watched closely by Qassem Soleimani, the Qods Force, and the Qods Force's lead terrorist agent, Hizballah. Even before the invasion began, as early as September 2002, the Qods Force and Hizballah plotted to undermine the anticipated U.S. presence in Iraq. For example, the leaders of Hizballah and the Qods Force, Hassan Nasrallah and Qassem Soleimani, regularly coordinated the Qods Force's support for the Hizballah -directed terrorist campaign in Iraq in which Jaysh al-Mahdi helped commit attacks.

152. Immediately after Saddam's government fell in April 2003, Hizballah dispatched its chief terrorist mastermind, Imad Mugniyeh, to Iraq. Mugniyeh's assignment was to contact Muqtada al-Sadr, an influential Shiite cleric, and to work with Sadr to build a terrorist organization modeled on Hizballah capable of carrying out sophisticated attacks on Americans in Iraq. Mugniyeh contacted Sadr shortly thereafter and the two immediately began work on creating the terrorist organization that would become known as Jaysh al-Mahdi. An Israeli intelligence report confirmed in October 2003 that Hizballah was already planning to "set up a resistance movement that would cause mass casualties" among American forces in Iraq.

153. Drawing on this influence, Muqtada al-Sadr became the leader of masses of impoverished Iraqi Shi'a after Saddam's fall in April 2003. By the summer of 2003, Sadr had channeled his popularity into a nascent organization called the "Sadrist Trend" (members of the Sadrist Trend and related groups are known as "Sadrists"). The Sadrist Trend was modeled expressly on Hizballah. Like Hizballah, the Sadrist Trend had both a political wing, called the Office of Martyr Sadr, and a terrorist wing, called "Jaysh al-Mahdi" (Arabic for "the Mahdi Army") or "JAM." And, like Hizballah, the Sadrists seized control of important neighborhoods (such as Sadr City) and used Jaysh al-Mahdi to attack U.S.-led Coalition forces.

154. Jaysh al-Mahdi, including the notorious Jaysh al-Mahdi "Special Group" cells Asaib Ahl al-Haq and Kataib Hizballah, was Hizballah's most dangerous terrorist proxy in Iraq. In this Complaint, Plaintiffs refer to Jaysh al-Mahdi, Jaysh al-Mahdi Special Group Asaib Ahl al-Haq, and Jaysh al-Mahdi Special Group Kataib Hizballah collectively as "Jaysh al-Mahdi."[125]

[125] All references to Jaysh al-Mahdi in this Complaint are inclusive of Asaib Ahl al-Haq and Kataib Hizballah, both of which were "Special Groups" of Jaysh al-Mahdi that were created by Hizballah using funds, arms, and logistical support provided by the IRGC, including the Qods Force, and the Special Groups were led by senior Jaysh al-Mahdi commanders (Qais and Laith Khazali in the case of Asaib Ahl al-Haq and Abu Mahdi al-Muhandis in the case of Kataib

155. Like many terrorist organizations, Jaysh al-Mahdi was structured as an integrated network of cells, militias, and "Special Groups," each of which served the mission of the broader organization. As Dr. David E. Johnson, a former Army Colonel who has studied Jaysh al-Mahdi's tactics, explained, "[Jaysh al-Mahdi] was mostly a franchise operation, nationally integrated in support of al-Sadr's political program, but locally owned and operated."[126]

156. From the beginning, Jaysh al-Mahdi's publicly stated, primary goal was the expulsion of Americans from Iraq. In July 2003, Sadr publicly announced the founding of Jaysh al-Mahdi by calling for a "general mobilization to fight" the so-called "American and British occupiers."[127] During Sadr's Friday sermons on March 26, 2004, among other things:

a. Sadr pledged his fealty to Hizballah, which he couched in Shi'a Islamist terms such that he was communicating to his followers that support for Hizballah is a religious duty; and

b. Sadr called for violent resistance to, and "jihad" against, the American "occupiers" and "invaders" of Iraq, invoking multiple passages from the Koran to provide a purported religious justification for attacking Americans in Iraq.

157. From that point forward, Sadr and Jaysh al-Mahdi increased their attacks on Americans in Iraq, resulting in mass casualties among U.S. citizens (both military and civilian) working to stabilize and rebuild the country. By late 2004, Sadr had effectively seized control of large swaths of Iraq, including but not limited to Basra, Amarah, Najaf, Wasit, Kufa, Nasiriyah, and the entire eastern half of Baghdad. By early 2005, Sadr controlled 20 Jaysh al-Mahdi

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Hizballah), and supportive of Hizballah's overall terrorist agenda for its terrorist proxies in Iraq. Often, the same terrorist operatives worked for multiple Jaysh al-Mahdi cells, such as a terrorist who commands a Jaysh al-Mahdi battalion, while also leading a Jaysh al-Mahdi Special Group Asaib Ahl al-Haq cell, acting under the direction of Hizballah as supported by the IRGC, including the Qods Force.

[126] David E. Johnson, *et al.*, *The 2008 Battle of Sadr City: Reimagining Urban Combat* 23 (RAND Corp. 2013) ("Johnson, *et al.*, *2008 Battle of Sadr City*").

[127] Mahan Abedin, *Dossier: The Sadrist Movement*, Middle East Intell. Bull. (July 2003).

brigades—all of which were trained by Hizballah—operating out of his command-and-control safe-haven in Sadr City, from which Jaysh al-Mahdi coordinated and launched Hizballah-supported attacks against Coalition forces throughout Iraq.

158. In service of its terrorist agenda, and relying on Hizballah training, weapons, and personnel, Jaysh al-Mahdi mastered several types of attacks that proved especially deadly for U.S. troops and civilians, including the attacks that killed and injured Plaintiffs. As one commentator explained in *Deutsche Welle* in 2014, Jaysh al-Mahdi was "[a]nalogous to the Sunni terrorist organization, al Qaeda," "committed thousands of bombings," "detonated roadside explosives," and "fired mortar shells toward the Green Zone." In total, Jaysh al-Mahdi's terrorist attacks throughout Iraq likely killed more than 500 Americans and wounded thousands more. The death toll inflicted by Jaysh al-Mahdi became so severe that, by July 2007, General David Petraeus concluded that "JAM is more of a hindrance to long-term security in Iraq than is [al-Qaeda-in-Iraq]," the Sunni terrorist group that became ISIS.

159. Jaysh al-Mahdi was founded by Hizballah, publicly identified as Hizballah's "striking arm in Iraq," and operated in Baghdad and Basra, among other places, through joint Hizballah-JAM cells. Throughout JAM's existence, the Terrorist Sponsors worked closely with Hizballah—which served as their primary face, agent, and primary interlocutor with JAM—to intensify terrorist attacks targeting the United States in Iraq. Hizballah recruited, trained, armed, and directed JAM terrorists, who carried out terrorist attacks against Americans on Hizballah's behalf as Hizballah's and the IRGC's agent in Iraq. Jaysh al-Mahdi operatives were funded and logistically supported by the IRGC, trained by Hizballah and IRGC-QF at sites in Iran, Lebanon, and Iraq, and acted in the Joint Cells with Hizballah operatives using a variety of tactics and

weaponry against Americans in Iraq, including IEDs, EFPs, rockets, mortars, complex attacks, sniper attacks, and kidnapping operations.

160. Despite its cellular structure, Jaysh al-Mahdi maintained a basic hierarchical command structure. As two counterterrorism scholars explained in June 2008, "although Sadr frequently gives [Jaysh al-Mahdi cells] autonomy over their local actions, he maintains the ability to control them when he chooses."[128] Formally separate Jaysh al-Mahdi cells also shared membership and leadership, relied on common sources of financing and institutional support from the broader Sadrist organization, and frequently operated together in coordinated attacks.[129]

161. Continuing the joint attack planning exemplified by Hizballah's provision of Qods Force-funded training to Jaysh al-Mahdi terrorists operating in Iraq, the IRGC, Hizballah, and Jaysh al-Mahdi (including Jaysh al-Mahdi Special Groups Asaib Ahl al-Haq and Kataib Hizballah) formed and sustained the Joint Cells. They operated in key regions where Hizballah emphasized bombing and rocket attacks against Americans in Iraq including, but not limited to, Baghdad Province (Baghdad), Basra Province (Basra and Amarah), Diyala Province (Baqubah), and Babil Province (Hilla).

162. The Joint Cells had broad geographic reach and were not limited to committing attacks just in their own locales. For example, the Joint Cell operating in Babil Province (where Hilla is located) also committed attacks in nearby Qadisiyah Province (where Diwaniyah, about an hour away from Hilla via Route 8, is located), and the Joint Cell in Basra Province (where Basra and Amarah are located) committed terrorist attacks throughout southern Iraq.

[128] Daveed Gartenstein-Ross & Bill Roggio, *Sadr's Special Groups*, Wkly. Std. (June 9, 2008).

[129] *See*, *e.g.*, Johnson, *et al.*, *2008 Battle of Sadr City*, 25-26.

163. Each attack that injured Plaintiffs was committed by a Joint Cell comprised of Hizballah, Jaysh al-Mahdi, and IRGC, including Qods Force, operatives, and was planned and authorized by Hizballah.

164. The IRGC's, including the Qods Force's, support for Hizballah and Jaysh al-Mahdi—including the Jaysh al-Mahdi Special Groups Asaib Ahl al-Haq and Kataib Hizballah—ensured that the terrorist campaign had maximum effect. Due to Hizballah's planning, authorization, and joint commission of the attacks in this case as supported by the local muscle of Jaysh al-Mahdi, Qods Force funds benefited Hizballah and Jaysh al-Mahdi attacks, and Qods Force support for Hizballah supported Jaysh al-Mahdi, and vice versa.

165. Jaysh al-Mahdi has received significant funding, training, arms, and communications technology from Hizballah, which was made possible by Hizballah's receipt of such money and goods from the IRGC, including the terrorist fronts that engaged in transactions with MTN.

2. The IRGC's and Hizballah's Aid to Jaysh Al-Mahdi to Facilitate Attacks Against Americans in Iraq

166. Hizballah, funded and supported by the IRGC, used Defendants' resources to carry out the Joint Cells' terrorist attacks against Americans in Iraq. As a scholar summarized in the 2010 journal published by the Combating Terrorism Center at West Point, "it is clear that Iran has a proven ability to commission violence inside Iraq" because "Iraqi government Harmony records collated by the Combating Terrorism Center at West Point illustrate [that] Iran has been in the business of sponsoring Iraqi paramilitary proxies for 30 years, practically the government's entire existence."[130]

[130] Knights, *The Evolution of Iran's Special Groups in Iraq*.

167. When U.S. forces arrived in Iraq, Iran's nationwide terror campaign against Americans there was assigned to the Qods Force under the command of Soleimani, who answered directly to Ayatollah Khamenei. Soleimani caused the IRGC to partner with Hizballah in Iraq so that Hizballah would serve as the bridge between the IRGC and Jaysh al-Mahdi.

168. According to the U.S. State Department's 2008 Country Reports on Terrorism: "The Qods Force, an elite branch of the [IRGC], is the regime's primary mechanism for cultivating and supporting terrorists abroad. The Qods Force provided aid in the form of weapons, training, and funding to" both "Lebanese Hizballah" and "Iraq-based militants."[131]

169. The First Corps of the Qods Force, one of its four regional commands, executes Iran's terrorist agenda in Iraq. During the relevant timeframe, the Qods Force did so largely by providing Hizballah the funding, weapons, and logistical support it needed to facilitate the attacks by the Joint Cells. The First Corps' al-Ramazan Headquarters is based across several sites in Iran's largest city (and capital), Tehran, a short trip from the border with Iraq.

170. Raids conducted in Iraq by the elite U.S. Joint Special Operations Command ("JSOC") also proved that the IRGC directly deployed their own terrorists inside Iraq to augment the Hizballah -led Joint Cells attacks on Americans there. For example, in a late 2006, during a JSOC raid in central Iraq, U.S. forces detained Mohsen Chizari, the Qods Force's Head of Operations and Training, as well as the Qods Force's station chiefs for Baghdad and Dubai. In another raid in northern Iraq, U.S. forces captured five Qods Force terrorists.

[131] U.S. State Dep't, *Country Reports on Terrorism 2008*, 182-83 (Apr. 2009).

D. The Terrorist Sponsors Used "Commercial" Front Companies to Fund and Equip the IRGC, Hizballah, and Their Terrorist Proxies

171. Iran's terrorism machine required enormous resources, including both financing and American technologies barred from export to Iran by U.S. sanctions. Substantial additional revenues and technology flowed to the IRGC and Hizballah through off-books channels, including a wide-ranging group of commercial fronts controlled by the Foundation for the Oppressed. As Stuart Levey, Treasury Under Secretary for Terrorism and Financial Intelligence explained in 2007:

> Iran's role in supporting international terrorism is of serious concern. Iran has long been a state sponsor of terrorism. ***Tehran arms, funds, and advises Hizballah, an organization that has killed more Americans than any terrorist network except for al Qaeda. … And we are all familiar with Iran's funding and equipping of elements of the insurgency in Iraq, further destabilizing that country and resulting in deaths of Americans, Iraqis and others***. Iran needs money to provide all of this support. Indeed***, the regime operates as the central banker of terror, spending hundreds of millions of dollars each year to fund terrorism***.
>
> Iran also uses its Islamic Revolutionary Guard Corps, or IRGC, to provide a ***'train and equip program' for terrorist organizations like Hizballah*** … The IRGC's control and influence in the Iranian economy is ***growing substantially***. ***More and more IRGC-associated companies are being awarded important government contracts***. ….
>
> The regime ***disguises its hand in terrorism*** and weapons proliferation ***through an array of deceptive techniques specifically designed to avoid suspicion and evade detection*** from the law-abiding international community. … ***We have also seen Iranian banks request that other financial institutions take their names off of U.S. dollar transactions when processing them in the international financial system***. …
>
> Because of the ***longstanding U.S. concerns about Iran's well-documented illicit behavior***, the Treasury Department maintains broad sanctions against Iran. …
>
> A designation under E.O. 13382 effectively cuts the target entity or individual off from access to the U.S. financial and commercial systems and ***puts the***

international community on notice about the threat they pose to global security as a result of their activities.[132]

172. For the Terrorist Sponsors, the use of front companies in the telecommunications sector served particularly urgent needs. As the U.S. government has long recognized, computing, telecommunications, encryption, and associated technologies were vital to terrorists' ability to kill. In 2001, for example, the State Department warned that terrorists empowered through "state-sponsored terrorism" had "embrace[d] IT" because "terrorist use of information technology": (1) "improve[d] communication and aids organization"; (2) "allow[ed] members to coordinate quickly with large numbers of followers"; (3) "provide[d] a platform for propaganda"; (4) "allow[ed] terrorists to reach a wide audience of potential donors and recruits who may be located over a large geographic area"; and (5) allow[ed] "hacking and the use of the computer as a weapon."[133] Advanced communications technologies were particularly important in light of the U.S. military's ability to intercept terrorist communications. The IRGC and Hizballah required embargoed U.S.-origin technology to encrypt communications and secure their networks from U.S. eavesdropping and tracking.

173. Terrorists of every stripe, including the IRGC, Hizballah, and their proxies, relied upon communications and information technology to power their attacks through, *inter alia*, fundraising, recruitment, and intelligence gathering. In 2006, Gabriel Weimann, a scholar of terrorists' use of communications technologies, observed that Hizballah depended upon communications and information technology to power its "terrorism directed mainly against Israeli and U.S. targets," which "relie[d] on an international network of supporters recruited

[132] Stuart Levey, *quoted in* Congressional Testimony via FDCH, *Threats From Iran* (Mar. 21, 2007), 2007 WLNR 5373313.

[133] U.S. Dep't of State, *Patterns of Global Terrorism: 2000* (Apr. 2001).

mainly from Shiite Muslim communities worldwide, including the United States," which "network serves several purposes: gathering information; fund-raising; maintaining 'latent cells'; and activating 'high-quality' attacks in various places in the world," including "many anti-U.S. … terrorist attacks."[134] He also warned that terrorist groups, including Hizballah, were leveraging "Data Mining" to power their attack targeting because "terrorists … learn[ed] from the Internet about the schedules and locations of targets such as transportation facilities, nuclear power plants, public buildings, airports and ports, and even counterterrorism measures."[135]

174. Consistent with those observations, in the early- to mid-2000s the IRGC and Hizballah pushed their way into Iran's telecom sector. When Iran announced plans to issue a new GSM license for a second wireless company, the IRGC "muscled its way into" the process, ensuring that it would have control over the new entity—and access to its profits and its technology.[136] The IRGC-dominated Foundation for the Oppressed joined forces with an Iranian weapons manufacturer, Iran Electronics Industries, to form a special entity for that purpose: the Iran Electronics Development Company.

1. Iran Electronics Industries, a/k/a Sairan (IEI)

175. Iran Electronics Industries (IEI) was established "to organize the assembly and repairs of foreign-delivered weapons."[137] After the 1979 Islamic Revolution, the "Islamic Revolutionary Guards were put in charge of creating what is today known as the Iranian military

[134] Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenges*, 88-91 (U.S. Institute of Peace Press 2006) (hereinafter, "Weimann, *Terror on the Internet*").

[135] Weimann, *Terror on the Internet*, 111-12.

[136] Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran's Economy?*, Am. Enter. Inst. For Pub. Pol'y Rsch. (Oct. 22, 2007) (hereinafter, "Alfoneh, *How Intertwined*").

[137] Islamic Republic News Agency, *quoted in* Iranian Government News, *IRI Missile Capability Deters Enemy Threats: IRGC Commander* (Dec. 23, 2011) (cleaned up).

industry"—including IEI—in response to "economic sanctions and a weapons embargo put on Iran by the United States," which "forced" Iran "to rely on its domestic arms industry"—including IEI—"for weapons and spare parts since there were very few countries willing to do business with Iran."[138]

176. Iran Electronics Industries is an Iranian weapons manufacturer that "offers a diversified range of military products including electro-optics and lasers, communication equipment, telecommunication security equipment, electronic warfare equipment, new and refurbished radar tubes, and missile launchers," as well as "military tactical communication systems[,] … electronic field telephones and switchboards," and "night vision systems and laser range finders in addition to binoculars and periscopes."[139] Simply put, the "role" of "Iran Electronics Industries" in the Iranian regime always including the responsibility "to manufacture electronic components for Iranian weapons systems."[140]

177. A subsidiary of Iran's Ministry of Defense Armed Forces Logistics (MODAFL)—the agency charged with weapons procurement for the IRGC—IEI was functionally controlled by the IRGC, which always appointed senior IRGC operations commanders to leadership roles of MODAFL thereby ensuring MODAFL's complete integration into the IRGC's and Hizballah's terrorist operations enterprise. Indeed, E.U. sanctions publicly confirmed the practice in 2008.[141]

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[138] Islamic Republic News Agency, *quoted in* Iranian Government News, *IRI Missile Capability Deters Enemy Threats: IRGC Commander* (Dec. 23, 2011) (cleaned up).

[139] U.S. Dep't of Treas., *Treasury Designates Iranian Military Firms* (Sept. 17, 2008).

[140] European Union, *Council Decision Of 23 June 2008 Implementing Article 7(2) Of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran (2008/475/EC)*, Official J. of the European Union (June 24, 2008).

[141] *See id*. (sanctioning (1) "IRGC Brigadier-General Javad Darvish-Vand" because he was "MODAFL Deputy for Inspection" and "[r]esponsible for all MODAFL facilities and

178. The IRGC's capture, and use, of IEI to design, procure, build, and supply arms to power attacks by the IRGC, Hizballah, and their allies have been well known for decades. In 1993, for example, the *LA Times* reported that the FBI seized American "computers and satellite communications equipment" that had been sold to "Iran Electronic Industries." In 2000, likewise, the *Associated Press* reported that Japan arrested two persons for shipping "3,100 dials for antitank rocket launchers" to "Iran Electronics Industries" that were likely "intended" for "RPG-7s"—and, according to a *BBC* report in 2000, would have been "used in rocket launchers' sighting devices." In 2007, similarly, terrorism scholar Ali Alfoneh publicly identified IEI as "IRGC-operated."[142]

179. Indeed, the IRGC bragged about IEI's weapons prowess on media outlets the IRGC controlled. In November 2002, for example, IRGC media arm *Kayhan* reported that "Sairan" (IEI) had received "letters of commendation" relating to IEI's "display" of "flying craft, spare parts, turbo engines for unmanned flight and maintenance service systems." In May 2002, *Voice of America* reported that IRGC media arm IRIB had touted that "Iran Electronic Industries" would "inaugurate the TOW-H missile launcher system, multi functional displays, MFD, and comprehensive circuits" for weapons, and the "domestically-produced weapon *Kheybar*" that had "the ability to fire three shells simultaneously."

installations"; (2) IRGC Brigadier-General Mostafa Mohammad Najjar" because he was "responsible" for the IRGC's "ballistic missile programs"; (3) "IRGC Brigadier-General Ahmad Vahidi" because he was "Deputy Head of MODAFL"; and (4) "IRGC Brigadier-General Ali Shamshiri" because he was "MODAFL Deputy for Counter-Intelligence, responsible for security of MODAFL personnel and Installations").

[142] Alfoneh, *How Intertwined*, *supra*.

180. MTN Group appreciated in real-time that "Iran Electronics Industries" was "a Ministry of Defence [MODAFL] Company."[143] As MTN Group's Iran representative Chris Kilowan explained in 2004: "I was aware that … Sairan [IEI] was wholly owned by the Iranian Ministry of Defence [MODAFL], and, as President of Sairan, Dr [Ebrahim] Mahmoudzadeh reported directly to the Iranian Minister of Defence [Ali Shamkhani]."[144]

2. Iran Electronics Development Company (IEDC)

181. In 2004, IEI and the Foundation—two pillars of the IRGC's and Hizballah's logistical and financial support system within Iran—formed a joint venture for the purpose of entering into a critical new field: telecommunications. That venture was IEDC.

182. Faced with technologically dominant U.S. and Coalition forces in Iraq and Afghanistan, the IRGC, Hizballah, and their Axis proxies found themselves in desperate need of communications technology upgrades. As the RAND corporation has explained, telecommunications and information technologies are vital for modern transnational terrorism operations.[145] For example, even seemingly benign "network technologies, most notably cell phones … and other communication devices, have enabled terrorists to improve their use of [IEDs]," leading to "well-publicized cases of terrorist use of cellular phones in operations."[146]

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[143] MTN Group, *Highly Confidential Report on Visit Over 3 to 4 July 2004*, at 3 (July 4, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, at 346; *see* MTN Group Ltd. and MTN Int'l (Mauritius) Ltd., *Hoffmann Report*, ¶3 (MTN knew that one of their JV partners was, on paper, "a subsidiary of the [Iranian] Ministry of Defence [MODAFL] officially called Iran Electronics Industries but commonly known as Sairan.").

[144] Witness Statement of Christopher Kilowan, BIT Proceedings, ¶¶10-11 (Mar.13, 2012), *quoted in* MTN Group, *Hoffmann Report*, ¶167.

[145] Bruce W. Don, *et al.*, *Network Technologies for Networked Terrorists*, 38-39 (RAND 2007).

[146] *Id.*

183. More broadly, commercial-grade networking technologies, tracking and encryption systems, supercomputers, and enterprise resource planning software can radically enhance terrorists' command-and-control operations, secure their communications, streamline their logistics, and enhance their operational planning and targeting. As U.S. Army General George Casey explained in 2011, "Hezbollah employ[s] modern civil technology (secure cell phones, computers and video telecommunications systems) combined with military means (antitank, surface-to-air and antiship missiles, rockets, mortars and unmanned aerial vehicles) and improvised explosive devices in an innovative array of unanticipated patterns," making it—and other IRGC proxies—extremely formidable terrorist adversaries.[147]

184. In 2004, however, the IRGC and its proxies had access to no modern Western telecommunications or information systems, because such technologies were blocked by U.S. sanctions. To get around that obstacle, the Foundation and IEI—the entities most directly responsible for funding and equipping the IRGC, Hizballah, and their proxies—formed IEDC as a purportedly civilian telecommunications company, with the express purpose of identifying and partnering with a sophisticated foreign telecommunications company that would help them illicitly obtain embargoed U.S. and foreign technologies. They found MTN Group.

II. Defendants Partnered With Notorious Sponsors Of IRGC And Hizballah Attacks To Form And Operate Irancell

185. Since 2005, MTN Group and its subsidiaries, via the joint venture with IEDC known as Irancell, have conspired with the IRGC's weapons manufacturer (IEI) and the Ayatollah's prolific terror-financing vehicle (the Foundation for the Oppressed) to obtain embargoed dual-use U.S. equipment and services, and to provide this lethal aid, along with

[147] General George W. Casey, Jr., *The Army of the 21st Century*, Army (Oct. 1, 2009).

billions of U.S. dollars in direct and indirect funding, to the Terrorist Sponsors in violation of U.S. sanctions. Much of this aid predictably flowed to Iran's Axis of Resistance proxies to enable their terrorist attacks.

186. Initially operating mostly in Africa, in the early 2000s MTN Group pursued an aggressive expansion in the Middle East, deliberately seeking out business in markets "dealing with war, sanctions and strife," reported the *Wall Street Journal* in 2019, including state sponsors of terrorism like Iran, Syria, and the Sudan, and conflict zones like Afghanistan, Yemen, and Lebanon. Because MTN's potential competitors tended to avoid those risky areas, these markets offered potentially outsized profits.

187. In October 2003, the Iranian Ministry of Communications and Information Technology ("MCIT" or "Ministry") held a public tender for a lucrative Global System for Mobile Communications ("GSM") license—the prerequisite for launching a mobile communications network in Iran.[148] Eager to break into a lucrative immature market, MTN Group bid on Iran's GSM license tender. On December 13, 2003, MTN Group signed a Consortium Agreement with Iranian American ICT entrepreneur Shervin Pishevar, Hamid Aref, and MK Sarraf, which "bound MTN not to deal with anyone else" relating to the Irancell bid.[149] Later that month in December 2003, MTN Group submitted its bid to the Iranian Ministry that managed the bid technical process, MCIT, but MTN eventually (initially) lost to Turkcell. After Turkcell refused to help IEDC and its IRGC masters obtain embargoed defense technologies, however, the IRGC "erected a cascade of legal and practical obstacles" to Turkcell's

[148] *See* MTN Group, Hoffmann Report, ¶35.

[149] MTN Group, Hoffmann Report, ¶206.

involvement in 2004-2005.[150] Faced with "pressure by the [Revolutionary] Guards and their patrons," Iran "was forced to change the terms of the deal and revoke Turkcell's majority share in the consortium."[151]

188. MTN stepped into the vacancy. From the beginning, its effort to supplant Turkcell—referred to within MTN by a code name, "Project Snooker"—focused on offering IEDC assistance with procuring military and embargoed dual-use telecommunications equipment: The original MTN memo describing the effort noted that a "macro issue" was "the procurement of weapon systems and technology."[152] A later memo by MTN's regional director for Iran reminded MTN's CEO that "MTN was allowed to replace Turkcell in exchange for defence co-operation."[153] Defendant Charnley faxed the President of IRGC weapons provider IEI, Ebrahim Mahmoudzadeh, offering to "facilitate a meeting" with South African arms manufacturer Denel, which produces military aviation systems including helicopters and UAVs.[154] And in or about January 2004, MTN Group circulated a strategy memorandum about the Irancell opportunity, in which MTN determined that it should communicate to Iranian leaders that MTN had "No issue with sanctions."[155]

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[150] Alfoneh, *How Intertwined*, *supra*.

[151] Elliot Hen-Tov and Nathan Gonzalez, *The Militarization of Post-Khomeini Iran: Praetorianism 2.0*, Wash. Quarterly (Winter 2011).

[152] MTN Group, Hoffmann Report, ¶105.

[153] Memorandum from Chris Kilowan to Phuthuma Nhleko, March 25, 2007, included as an exhibit (ECF 1-3) to the Turkcell complaint. The Hoffman Report appears to validate the authenticity of this memorandum. *See* MTN Group, Hoffman Report ¶250 n.257.

[154] Fax from Irene Charnley to Dr Mahmoudzadeh, 16 November 2004, attached as an exhibit to the Turkcell complaint (ECF 1-3) and attached herein as Exhibit B. The Hoffman Report appears to confirm the authenticity of this document. *See* Hoffman Report ¶¶245-47 & n. 248.

[155] MTN Group, Hoffmann Report, ¶ 40.

189. Defendants believed that their best chance to supplant Turkcell as IEDC's joint venture partner lay with political conservatives in Iran, and that MTN should pursue these "hardliners" in support of its bid "as vigorously as possible."[156] To that end, Defendants cultivated relationships with a veritable "who's who" of hardline Iranian conservatives, most of whom were openly associated with the IRGC, Hizballah, their terrorist operations against America, and/or Iranian efforts to illicitly procure American arms and technologies. In November 2005, Defendants' efforts paid off when MCIT awarded the license to MTN and its IRGC and Hizballah sponsor partners in Irancell, the Foundation for the Oppressed and Iran Electronics Industries.

190. Throughout this 23-month period from failed initial bid in December 2003 to successful bid in November 2005, MTN waged an intense campaign that the C-Suite oversaw and that leveraged cross-functional MTN Group teams. That campaign both informed MTN Group's and MTN Mauritius's knowledge but also revealed a pattern of culpable conduct that endured throughout MTN's two-decades' long intertwinement with attacks sponsored by Ayatollah Khamenei, the IRGC, and Hizballah. Reflecting on this period, MTN Group observed that "[t]he defining characteristic of this [Irancell] transaction [between MTN Group, the Foundation, and IEI] was the political forces that were marshalled in support of MTN and it can therefore be concluded on an unequivocal basis that MTN's entry into the Islamic Republic of

[156] MTN Group Limited, *Highly Confidential: Not For Distribution Beyond IC/PFN/RN/CW, 2nd GSM Licence in Iran and MTN's Long Term Presence There: A Report and Recommendation*, 5-6 (May 21, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 329-30.

Iran was at its core due to ***political decisions taken at the highest levels in Iran***"[157]—*i.e.*, Ayatollah Khamenei and his inner circle of IRGC and Hizballah operatives and supporters.

191. A brief biography of the Iranians that Defendants met and negotiated with in their pursuit of the venture are set forth below in Part II.A, with their scheme to win the Irancell bid detailed in Part II.B, and their successful Irancell partnership set forth in Part II.C. As to each category of allegations, discovery is likely to yield many more examples, and the below items are merely representative of what Plaintiffs could piece together without the benefits of merits discovery.

A. Senior IRGC and Hizballah Leaders and/or Sponsors Led Irancell or Otherwise Leveraged Irancell to Enable Terrorist Attacks

192. To set the stage for Plaintiffs' allegations about the scope and impact of Defendants assistance to attacks sponsored by Hizballah and the IRGC, Plaintiffs first set forth representative examples of the key Hizballah and IRGC terrorist leaders and sponsors with whom Defendants directly partnered for Irancell.

1. Ayatollah Ali Khamenei: Supreme IRGC and Hizballah Commander, and Leader of Foundation for the Oppressed, and SLO

193. From 1989 through 2025, Ayatollah Ali Khamenei was always the Supreme Commander of the IRGC, Hizballah (aka the Organization for the Oppressed), Foundation for the Oppressed, and Supreme Leader's Office because of his status as Supreme Leader of Islamic Revolution**.** As overall leader of the IRGC, Hizballah, Foundation, and SLO, Khamenei played a direct role in sponsoring Hizballah attacks targeting Americans in Iraq that leveraged Hizballah-

[157] MTN Group, *Middle East and Iran*, 3 (Dec. 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 149-51 (emphasis added).

routed, IRGC-, Foundation-, and SLO-financed, aid to JAM through direct-Hizballah-to-JAM channels and indirect-IRGC-to-Hizballah-to-JAM channels.

194. Defendants understood they were dealing with Khamenei himself throughout the course of their pursuit of, and operation of, Irancell. Among other reasons, Defendants knew, through employee knowledge imputed to MTN, that Khamenei was inextricably connected to notorious IRGC and Hizballah operations arm, the Foundation for the Oppressed. In 2004, for example, MTN Group noted that MTN always knew that "the 'executive bureaucrats'" who had "close relationship[s] with the Supreme Leader" were the people "that actually" ran "government" in Iran "and who" would "be key allies in any initiatives that companies would want to embark upon in Iran" and, therefore, "MTN" decided that the "rest of [2004] should be spent on identifying the key ministries and the critical 'executive bureaucrats' with whom relationships must be built" and, "[a]fter careful research we must then understand what their key drivers are and develop strategies to ensure that they remain aware and strongly sympathetic to MTN's cause" through "the assistance and guidance of MTN's local partners to ensure that we remain sensitive to local customs and dynamics."[158] Likewise, in 2005, an MTN Group memo shared with its C-Suite observed that it was important for MTN to "[r]emember" that "both [the Ministry of] Defence and the Bonyads (shareholders in Irancell) are reporting directly to the Supreme Leader."[159] Accordingly, Defendants knew, or were willfully blind, that Khamenei's personal involvement was a red flag that he was involved to ensure Irancell resources flowed to his primary mission: exporting the revolution via terror.

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[158] MTN Group, *Highly Confidential Iran Political and Economic Update*, 8-9 (Oct. 8, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 363-65.

[159] MTN Group, *Highly Confidential Memorandum*, 1 (May 24, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 391.

195. Defendants' direct collaboration with Khamenei, via his personal agents (including Forouzandeh and Mokhber among others) and controlled entities (including the Foundation for the Oppressed) through manners involving atypical commercial terms designed to route money to Khamenei-held fronts, including the Foundation, was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

2. Hassan Rouhani: IRGC Commander and SNSC Secretary

196. Hassan Rouhani has been an IRGC Commander since 1979. An IRGC leader since the beginning, Rouhani was notoriously close to Khamenei, the IRGC, and Hizballah. In such context, from 1989 through 2005, Rouhani served as Secretary of the Supreme National Security Council (or "SNSC") and, as such, was one of Khamenei's single most important advisors for sponsoring terrorist attacks targeting the United States, with a role about as important to such attacks as that played by the Commanders of the IRGC Qods Force and IRGC Intelligence Organization, Secretary General of Hizballah, and President and Board Chairman for the Foundation for the Oppressed.

197. Rouhani's role on the SNSC was inextricably connected to anti-American terrorism by Iranian proxies like Hizballah and al-Qaida. In January 2004, for example, *Reuters* and *al-Hayat* reported that "Hassan Rohani, head of Iran's Supreme National Security Council, said that … Hizbollah, which is backed" by "Iran," should "carry out resistance operations" until Israel yielded to the Terrorist Sponsors' demands. In January 2005, likewise, *Defense & Foreign Affairs Strategic Policy* reported that Rouhani was widely identified to be the architect of and signatory to "a 40-page document … outlining working relations - common policies and cooperation - between the al-Qaida terrorist network and the Iranian Government," "a full text" of which "was captured during the US Marine Corps assault on Fallujah, Iraq, in November

2004"; the same report observed that "Dr Rouhani" was "considered close" to "the Supreme Leader" and "Khamene'i" had "threatened the use of strategic weapons" against "US[] targets." "Known as a hard-line[ ] conservative," *Reuters* reported in January 2004, "Rouhani" openly spoke out in support of Hizballah and publicly discussed the need for "confrontation" with the United States, while MTN conspired with him.

198. Defendants met, communicated, and/or transacted with, or about, Rouhani on multiple occasions from 2004 onward.[160] Defendants met with Supreme National Security Council Secretary Rouhani in (at least) September 27, 2004, when Defendants paid for Rouhani to vacation in South Africa, while conducting some business with MTN and South Africa's President on the same day, and Defendant thew an intimate dinner to celebrate Rouhani and "gift" him a 0.35-carat diamond.[161] Ten days later, on October 7, 2004, Rouhani, on behalf of Khamenei and the SNSC, defiantly rejected the U.S. government-led effort at the U.N. Security Council (including the IAEA) to use U.S.-origin, U.N. sanctions to compel Iran to abandon its WMD and related missile programs and stated that Ayatollah Khamenei and the SNSC would "not accept any constraints" on Iran: "To sort out this case, there are two possibilities: Either we find a political solution and close the [U.S.-sponsored] case (at the IAEA) or we move towards confrontation [with the United States]. We are ready for both." MTN Group knew about

[160] *See*, *e.g.*, MTN Group, Letter from Irene Charnley to Dr. Mohammad Ali Ghanzadeh (Sept. 17, 2004) ("[W]e understand that [Supreme National Security Council Secretary] Dr. Rouhani will be leading a high level delegation of 10 senior Iranian government officials and will arrive in South Africa on 27 September 2004. MTN [Group] has requested the South African government allow MTN to sponsor all the costs of hosting Dr. Rouhani and his delegation on his planned trip to Cape Town, including flights, accommodation, lunches, dinners and a guided tour."), *quoted in* MTN Group, Hoffmann Report, ¶86; MTN Group, Hoffmann Report, KPMG Report, 37-39, 42, *republished in* MTN Group, Hoffmann Report, Appendices, 236-38, 241; MTN Group, Hoffmann Report, ¶¶90, 268.

[161] MTN Group, Hoffmann Report, KPMG Report, 38-39, 42, *republished in* MTN Group, Hoffmann Report, Appendices, 237-38, 241.

Rouhani's threat to choose violence against the United States in real time, when a senior MTN Group employee sent them a memorandum quoting it verbatim the following day.[162] From 2003 through 2005, Defendants always knew that Rouhani was Secretary of the Supreme National Security Council, as MTN Group confirmed in 2004.[163]

199. Defendants agreed to atypical commercial terms Rouhani demanded. Among other things, Defendants agreed to the unprecedented-for-MTN security terms demanded by the Supreme National Security Council while Rouhani led it, as reflected in the difference in security-related terms between MTN Irancell and MTN South Africa.

200. Defendants' direct collaboration with Rouhani through manners involving atypical commercial terms designed to route money to Rouhani (*e.g.*, diamonds) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

201. Sanctions findings have confirmed Rouhani's personal support for Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2019, for example, the United States designated Iran's National Development Fund for participating in a scheme under which, "despite an increase in the IRGC's overall budget for 2019, the Rouhani administration withdrew some $4.8 billion from the [National Development Fund] … to amend the budget allocated to the IRGC,"[164] which redirected funds that were

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[162] MTN Group, *Highly Confidential Iran Political and Economic Update*, 2 (Oct. 8, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 358.

[163] *See*, *e.g.*, MTN Group, *Highly Confidential Iran Political and Economic Update*, 8 (Oct. 8, 2004) ("Secretary of the National Security Council Rowhani"), *republished in* MTN Group, Hoffmann Report, Appendices, 363-65.

[164] U.S. Dep't of Treas., *Treasury Sanctions Iran's Central Bank And National Development Fund; Action Targets Major Sources Of Funding For The Regime's Proxies And Terrorist Arms, Including The IRGC, The Qods Force, Hizballah And The Houthis* (Sept. 20, 2019).

supposedly intended to promoted development in Iran to the IRGC so the Terrorist Sponsors could finance and arm Hizballah's attacks.[165]

3. Mohammad Forouzandeh: IRGC Commander and Foundation for the Oppressed President

202. Mohammad Forouzandeh was a terrorist who served as an IRGC Commander from 1979 through the present, through which he directly enabled Hizballah-led terrorist attacks targeting the United States, including from 1999 through 2014 when he enabled IRGC and Hizballah attacks through his position leading the Foundation for the Oppressed. As *Iran News Update* observed in 2020, "Mohammad Foruzandeh" was a "senior commander[] of the Islamic Revolutionary Guard Corps (IRGC)," who was among the IRGC's most important operations-facing leaders. Indeed, "semi-official [IRGC-controlled] ISNA" reported in 2013 that "Mohammad Forouzandeh" was "an IRGC member."[166] As *Agence France Presse* reported in 1999, "Forouzandeh" was known for being "a staunch conservative" who "was part of the official 'welcoming committee'" for Ayatollah Khomeini. As an IRGC Founding Father, *Reuters* reported in 1999, Forouzandeh was infamous for his "impeccable revolutionary credentials." According to a report by *Agence France Presse* in 1999, Forouzandeh notoriously "played a key role" in "the organization of the fight against counter-revolutionary groups" (*i.e.*, IRGC terrorist attacks against Iranian regime enemies) and "in the reorganization of the Revolutionary Guards by giving them, from 1986, a military structure independent of the regular army."

[165] While the sanctions designation post-dated Rouhani's direct interactions with Defendants, it corroborates Rouhani's earlier conduct in which he heavily prioritized the operations needs of the IRGC (and, by extension, Hizballah) over other priorities.

[166] Islamic Students News Agency, *quoted in* Xinhua News Agency, *Interview: Iran's New Nuclear Negotiator Should Be Moderate, Trusted By Supreme Leader: Expert* (Aug. 2, 2013).

203. As one of the IRGC's public faces for decades, Forouzandeh had a long history of threatening the United States. In 1996, for example, Forouzandeh publicly threatened, *inter alia*, that: (1) "Iran will make the appropriate response to any American aggression"; (2) "American aggression against Iran is loud and clear -- and the announcement of those lies is part of the propaganda campaign"; (3) American claims of Iranian sponsorship of terrorism were "American propaganda against Iran" that "Iran has officially denied and rebutted"; and (4) while "Iran" was "seeking stability" in the Middle East and had no intention of developing long-range missiles, "the propaganda war" was "coming from the side of America, which aims to sell weapons to the Gulf and justify its presence there."[167]

204. Forouzandeh was always one of the IRGC's most important terrorists ensuring a nexus between logistics and finance, on the one hand, and IRGC-sponsored acts of terrorism, on the other through his direct involvement in the IRGC's key operations-facing nodes, including the Foundation for the Oppressed, MODAFL, IEI, Irancell, and SNSC. An analysis published by DOD in 2011 confirmed that "Forouzandeh['s]" terrorist resume included "Director of the Mostazafan and Janbazan Foundation; Head of the IRGC General Headquarters; [and] Assistant Commander-in-Chief of the IRGC in Reorganizing the IRGC's three Naval, Air, and Ground Units."[168] As *Reuters* reported in 2013, the fact that "Forouzandeh" had served "as head of the Supreme National Security Council," a senior "Revolutionary Guard" officer, "former defence minister," a "member of Iran's [Supreme National] Security Council," and a leader of "the

[167] Mohammad Forouzandeh, *quoted in* Reuters, *Iran Ready To Meet Any U.S. Aggression - Minister* (May 7, 1996).

[168] COL Corrigan, *Exploitable Vulnerabilities*, 55 ("Mohammad Forouzandeh—Director of the Mostazafan … Foundation; Head of the IRGC General Headquarters; Assistant Commander-in-Chief of the IRGC in Reorganizing the IRGC's three Naval, Air, and Ground Units").

Foundation for the Oppressed … implie[d] that Forouzandeh" had "the backing of Supreme Leader Ayatollah Khamenei."

205. Forouzandeh always played a key link between funding, logistics, and IRGC- and Hizballah-sponsored attacks. According a Congressional Research Service scholar's 2006 testimony, "Forouzandeh[]" was "the chief of staff of the Revolutionary Guard in the late 1980s and later Defense Minister" and was infamous as one of the key Iranian "hardliners and former officials of the Revolutionary Guard" who helped the IRGC use the Foundation for the Oppressed as a front to illicitly source weapons through U.A.E.-related transactions in which "Foundation employees were present in significant numbers in Dubai, holding large quantities of cash which they were using to procure [weapons-related] technology" from "arms and technology brokers in the emirate."[169] As a DOD-funded study published in 2009 observed, it was "important to note that the IRGC's expansion into the business sector harnessed the informal social networks that had developed among veterans and former officials" and, "[t]hus, when we describe the IRGC's economic influence, we use a very broad definition that captures the informality of its reach" through the IRGC's "model of a shadow economy and the creation of networks of patronage and clientage," which was demonstrated by the fact that "Mostazafan" (*i.e.*, the Foundation for the Oppressed) was connected to "Mohammad Forouzandeh, the former head of [MODAFL] and a former IRGC officer."[170] The same study observed that the Foundation "was created in 1979 under the leadership of Mohammad Forouzandeh" and, as

[169] Kenneth Katzman (Congressional Research Serv.), *Energy And The Iranian Economy, Testimony Before The U.S. House Of Representatives*, Congressional Testimony via FDCH (July 26, 2006), 2006 WLNR 12884200.

[170] Wehrey and Nader, *Rise of the Pasdaran*, 56-57.

such, comprised an Iranian "business organization[]" that was "[a]ffiliated with the IRGC or influenced by IRGC personnel."[171]

206. As Iran scholar Dr. Emanuele Ottolenghi observed in 2011, "Forouzandeh" was a "former IRGC officer" who enabled the "IRGC['s] indirect[] control[]" of "the Foundation of the Oppressed" to power IRGC-sponsored attacks through the role of "the Foundation" as "an independent financial body traditionally run by a retired IRGC commander and used by the state as a proxy to fund off-the-books IRGC operations."[172] Similarly, as Iran scholar Dr. Hesam Forozan noted in 2015, "Forouzandeh" came "from the ranks of former Sepah [IRGC] officers" and was a key part of the "Sepah's [IRGC's] Intelligence Security apparatus and networks" who helped ensure that the Foundation for the Oppressed was "a generous supporter and active political patron of the Lebanese terrorist organisation Hezbollah."[173] In 2016, likewise, Iran-facing NGO IFMAT identified him as an "important Revolutionary Guards" who helped ensure that the "Bonyad e-Mostazafan Foundation [Foundation for the Oppressed] is controlled by the Islamic Revolutionary Guards Corps (IRGC)[] and Supreme Leader of Iran" and helped the "Mostazafan Foundation ma[ke] deals with the terrorist organization IRGC" that helped the IRGC provide "planning and support for terrorist acts" to proxies.[174]

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[171] *Id*. at 99-100.

[172] Dr. Emanuele Ottolenghi, *The Pasdaran: Inside Iran's Islamic Revolutionary Guard Corps*, 43 (FDD Press 2011).

[173] Dr. Hesam Forozan, *The Military in Post-Revolutionary Iran: The Evolution and Roles of the Revolutionary Guards*, 63-64 (Routledge 2015).

[174] IFMAT, *Black Lists: Bonyad e-Mostazafan Foundation* (Sept. 28, 2016).

207. Defendants met, communicated, and/or transacted with Forouzandeh on multiple occasions from 2004 onward.[175] Defendants agreed to the atypical commercial terms he demanded.

208. Defendants' direct collaboration with Forouzandeh through manners involving atypical commercial terms designed to route money to organizations controlled by Forouzandeh (*e.g.*, the Foundation for the Oppressed) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

4. Mohammed Mokhber: IRGC Commander and Foundation for the Oppressed Vice President

209. Mohammad Mokhber has been a notorious terrorist since the 1970s, and was a key supporter of the IRGC and Hizballah, including while he served as Vice President of the Foundation for the Oppressed. "Prior to the 1979 Islamic Revolution," observed Iran scholar Saeed Ghasseminejad, "Mokhber" came "from a clerical family" and "was a member of Mansouroun, an Islamist terror group that also incubated a number of figures who rose to the top ranks of the Islamic Republic including … Mohsen Rezaei, Ministers of Defense Ali Shamkhani

[175] MTN Group, Email from Foundation for the Oppressed (Saeid Hasani) to Irene Charnley and Chris Kilowan (June 21, 2005), *republished in* MTN Group, Hoffman Report, Appendices, 408; MTN Group, Letter from Phuthuma Nhleko to Mohammed Forouzandeh, Foundation for the Oppressed, Ebrahim Mahmoudzadeh, and Iran Electronics Industries, 1-2 (July 5, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 117-18; MTN Group, Hoffman Report, ¶111 (*citing* Minute of the Meeting Between the South African Embassy and Mostazafan Bonyad/Ministry of Defence (June 24, 2005)); MTN Group, *For Your Eyes Only*, 1 (July 4, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 532; MTN Group (MTN Group Iran Director Chris Kilowan), *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005), *quoted in* MTN Group, Hoffmann Report, ¶117; MTN Group, Letter From Hoffmann Committee to Chris Kilowan, 9 (Dec. 3, 2012), *republished in* MTN Group, Hoffman Report, Appendices, 308.

and Mohammad Forouzandeh," among others.[176] In May 2024, *Voice of America* and the *Associated Press* reported that Mokhber has been an IRGC Commander since the 1980s, when he "served as an officer."

210. Since the 1990s, Mokhber has always been a key member of Ayatollah Khamenei's inner circle and sponsor of IRGC and Hizballah attacks. From the 1990s through 2025, Mokhber always provided direct financial, logistical, and operational support to the IRGC, Qods Force, and Hizballah by helping secure funds, arms, and recruits through an array of organizations that Mokhber controlled or influenced, including, but not limited to, the Foundation for the Oppressed, SLO, Irancell, and Imam Khomeini Relief Committee. Throughout, Mokhber worked closely with IRGC members who leveraged commercial entities to finance Qods Force and Hizballah operations. In May 2024, *Voice of America* and the *Associated Press* reported that Mokhber has been described in Iranian media as "crucial in Iranian efforts to bypass Western sanctions."

211. A longtime confidant of Ayatollah Khamenei, he was among MTN's closest collaborators in the Irancell negotiations. Defendants knew about Mokhber's inextricable connections to IRGC and Hizballah attacks. Among other reasons, Defendants knew that Khamenei depended upon his inner circle to sponsor attacks by Hizballah and, in that context, Defendants knew that Mokhber was a key inner circle member. For example, as MTN Group Iran representative Chris Kilowan described his awareness in 2004, MTN "was aware" that

[176] Saeed Ghasseminejad (Senior Iran and Financial Economics Advisor, Foundation for Defense of Democracies), *Mohammad Mokhber: Khamenei's Confidant*, Foundation for Defense of Democracies Policy Brief (May 24, 2024), https://tinyurl.com/2u5hdkbx.

Mohammad "Mokhber reported to the President of Bonyad [Foundation for the Oppressed], Foruzandeh, who in turn reported to the Supreme Leader, Ayatollah Ali Khamenei."[177]

212. Defendants met, communicated, and/or transacted with Mokhber on multiple occasions from 2004 onward.[178] Defendants agreed to the atypical commercial terms he demanded.

213. Defendants' direct collaboration with Mokhber through manners involving atypical commercial terms designed to route money to personally benefit Mokhber and route money to organizations he helped lead (*e.g.*, the Foundation for the Oppressed and SLO) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

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[177] Witness Statement of Christopher Kilowan, BIT Proceedings, ¶¶10-11 (Mar.13, 2012), *quoted in* MTN Group, *Hoffmann Report*, ¶167.

[178] *See*, *e.g.*, MTN Group, *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005) (observing that the "Bonyad [Foundation for the Oppressed] preferred to work with MTN" as shown by how the "[m]ost senior person" at the Foundation, *i.e.*, Forouzandeh, "remained personally involved"), *quoted in* MTN Group, Hoffmann Report, ¶117; *see also* MTN Group, *Highly Confidential Report on Visit Over 3 to 4 July 2004*, at 3-6 (July 4, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 346; MTN Group, Email from Foundation for the Oppressed (Saeid Hasani) to Irene Charnley and Chris Kilowan (June 21, 2005, 4:17 PM), *republished in* MTN Group, Hoffman Report, Appendices, 408; MTN Group, Letter From Hoffmann Committee to Chris Kilowan, at 9 (Dec. 3, 2012), *republished in* MTN Group, Hoffman Report, Appendices, 308; MTN Group, *Confidential Memorandum Fax to Irancell*, 1-3 (June 23, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 410-12; MTN Group, Hoffman Report, ¶111 (*citing* Minute of the Meeting Between the South African Embassy and Mostazafan Bonyad/Ministry of Defence (June 24, 2005)); Alireza Dezfouli and Mohammed Mokhber, Letter to MTN Group (Sept. 13, 2005), *quoted in* MTN Group, Hoffmann Report, ¶127; MTN Group, Memorandum from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), *quoted in* MTN Group, Hoffmann Report, ¶136; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh and Mohammed Mokhber (Oct. 17, 2005), *quoted in* MTN Group, Hoffmann Report, ¶138; MTN Group, Hoffmann Report, ¶131; MTN Group, Hoffmann Report, KPMG Report, 15-16, *republished in* MTN Group, Hoffmann Report, Appendices, 214-15.

214. Sanctions findings have confirmed Mokhber's key role in sponsoring Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2010, for example, the E.U. sanctioned "Mohammad Mokhber" upon finding that he managed "an investment fund linked to Ali Khameneï" that enabled Iranian "ballistic missiles activities."[179] Also in 2010, while Mokhber was helping lead the Imam Khomeini Relief Committee ("IKRC"), the United States designated the IKRC's branch in Lebanon as an SDGT pursuant to E.O. 13224 upon finding that the "IKRC in Lebanon is a Hizballah social service organization that was created by the Government of Iran" and was "directed and run by Hizballah members or cadre," while "Iran … provided millions of dollars to the Hizballah-run branch" that "helped fund and operate Hizballah youth training camps, which have been used to recruit future Hizballah members and operatives" for which "Nasrallah … acknowledged" that "the IKRC" was "one of Hizballah's openly-functioning institutions linked to and funded by Iran."[180] In 2021, likewise, Treasury sanctioned Mokhber under its counterterrorism authorities "pursuant to E.O. 13876,"[181] which was adopted in 2019 to protect the United States from "violence, sabotage, and terrorism" sponsored by "the actions" of "Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and

[179] European Union, *Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 Implementing Article 7(2) of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran*, Official J. of the European Union (July 27, 2010), https://tinyurl.com/4cemhmms.

[180] U.S. Dep't of Treas., *Fact Sheet: U.S. Treasury Department Targets Iran's Support for Terrorism Treasury Announces New Sanctions Against Iran's Islamic Revolutionary Guard Corps-Qods Force Leadership* (Aug. 3, 2010).

[181] U.S. Dep't of Treas., *Treasury Targets Billion Dollar Foundations Controlled by Iran's Supreme Leader* (Jan. 13, 2001); U.S. Dep't of Treas., *Iran-Related Designations and Designations Updates; Counter Terrorism Designation* (Jan. 13, 2001).

civilian vessels." 84 Fed. Reg. 30,573. Pursuant to E.O. 13876, Treasury sanctioned Mokhber upon finding that he was responsible for ensuring that Iranian commercial "assets" were "used by the Supreme Leader Ali Khamenei to enrich his office, reward his political allies, and persecute the regime's perceived enemies" by managing a "business juggernaut under the direct supervision of … Khamenei that has a stake in nearly every sector of the Iranian economy," including "telecommunications, and financial services" while he was "tasked by the Supreme Leader to implement a 'resistance economy.'"[182]

5. Ali Shamkhani: IRGC Commander and MODAFL Head

215. Ali Shamkhani has been an IRGC member since 1979. According to IRGC media arms Resalat (in 2001) and Nasim (in 2013), Shamkhani has served as a "high-ranking IRGC commander[]"[183] who was always a senior operations and logistics leader in Khamenei's inner circle since the 1980s. Among his IRGC roles, "Shamkhani served as the commander of the IRGC navy with the rank of rear admiral."[184] For that reason, as Defendants knew, IRGC Commander Shamkhani was commonly referred to by Iranians and outsiders alike as "IRGC Vice Admiral" or "Admiral" even though very little of what Shamkhani did since the 1980s concerned the IRGC Navy, and his primary role was always coordinating the procurement of the primary weapons used by the IRGC and Hizballah to target Americans, including rockets,

[182] U.S. Dep't of Treas., *Treasury Targets Billion Dollar Foundations Controlled by Iran's Supreme Leader* (Jan. 13, 2001); U.S. Dep't of Treas., *Iran-Related Designations and Designations Updates; Counter Terrorism Designation* (Jan. 13, 2001).

[183] Resalat (Aug. 26, 2001), *quoted in* BBC Int'l Reports, *Iran: Paper Denounces Reformist Efforts To Gain Favour With Revolution Guards* (Sept. 10, 2001).

[184] Nasim, *Rouhani Appointed Former Defense Minister as the Secretary of NSC* (Sept. 10, 2013), https://web.archive.org/web/20131014183913/http://en.nasimonline.ir/archives/9507.

bombs, small arms, and associated communications technologies that enabled Hizballah, the IRGC, and JAM to combine such arms to murder and maim Americans in Iraq.

216. In 1989, Khamenei appointed Shamkhani to replace IRGC founder and Hizballah co-founder Mohsen Rafiqdoost as the second Minister of the IRGC. From 1989 through 2025, Shamkhani was one of the primary IRGC members of Khamenei's inner circle responsible for supplying arms to power attacks by the IRGC-QF, IRGC-IO, IRGC-ASF, Hizballah, and their proxies targeting the United States (including through U.S. allies) in the Greater Middle East. In the 2004-2005 period of negotiations with MTN Group—during which Defendants met with him several times—Shamkhani publicly praised Hizballah as "a successful model of resistance" and openly met with Hizballah commander Nasrallah, who briefed him on Hizballah operations and "laud[ed] the supports shown by the Iranian government" to Hizballah;[185] announced that "American soldiers [in Iraq] "were now 'hostages' to Iran"[186]; hinted publicly that "a preventive military operation" might be warranted against American troop in Iraq;[187] hosted a "Death to America" rally in Tehran to cultivate opposition to U.S. operations in Iraq; [188] admitted in a public interview that around "50 per cent" of all "revenue" generated by any MODAFL company, including IEI, was "being used in" the "military sector"—*i.e.*, by IRGC—and

[185] Islamic Republic News Agency (Aug. 2, 2005), *republished in* BBC Int'l Reports (Mid. E.), *Hezbollah Leader Meets Iranian Defence Minister* (Aug. 2, 2005).

[186] Anton La Guardia, *Iran Threatens to Launch Pre-emptive Attack on U.S., Israel*, Ottawa Citizen (Canada) (Aug. 19, 2004), 2004 WLNR 11760186 (quoting Ali Shamkhani).

[187] *Id.*; Barry Schweid, *Official Says Iran Could Make Nukes*, AP Online (Aug. 20, 2004); APS Diplomat Recorder, *Iran - Aug 18 - Tehran Hints At Pre-emption Over Threat From US* (Aug. 21, 2004), 2004 WLNR 22321179.

[188] Vision of the Islamic Republic of Iran (May 16, 2004), *quoted in* BBC Newsfile, *Iran: Defence Minister Says US Wants To Escalate Iraq Crisis To Whole Region* (May 16, 2004); *see also* Afshin Valinejad, *Tens Of Thousands Demonstrate In Tehran Against The U.S., Israel*, AP Online (Aug. 10, 2001).

emphasized that such revenue enabled Iran-backed "deterrence" operations targeting "America" in Iraq.[189] Shamkhani's ministry, MODAFL, announced in September 2004 that "Iran Electronic Industries … has now become able to meet the electronic and communication needs of all … the Islamic Revolution Guards Corps [IRGC]."[190] In March 2005, IRGC-controlled TV emphasized, and the *Associated Press* re-reported, that Shamkhani and MODAFL were focused on weapons that could help the Terrorist Sponsors target the United States, noting that on Shamkhani's watch at MODAFL, "Iran has a developing arms industry" through which Iranian-made arms were "capable of reaching … U.S. forces stationed in" the Middle East. To drive the point home, Iranian TV broadcast video of Shamkhani himself firing one of the guns.

217. Defendants had actual knowledge of Shamkhani's key leadership role in the IRGC. Among other reasons, MTN always knew Ayatollah Khamenei depended upon his inner circle to enable Hizballah attacks and, in such context, MTN's knowledge that Shamkhani was an inner circle member—as MTN confirmed in 2004[191]—alerted MTN that Shamkhani played a key role in Hizballah attacks. Defendants even referred to Shamkhani by one of his IRGC ranks (*i.e.*, "Admiral"). Moreover, Defendants knew of Shamkhani's IRGC pedigree, role, and relationships through Defendant's on-the-ground agents in Iran, Iran-experienced officers, employees, and agents in Iran, South Africa, the United States, and United Kingdom, and in-

[189] Ali Shamkhani, *quoted in* Hemayat (May 27, 2004), *republished in* BBC Int'l Reports (Mid. E.), *Iran's Defence Minister Says America Bogged Down In Iraq* (May 29, 2004).

[190] BBC Int'l Reports (Mid. E.), *TV Says Iran Commissioned Advanced Military Communication Systems* (Sept. 25, 2004) ("Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 1030 gmt 25 Sep 04").

[191] *See*, *e.g.*, MTN Group, *Highly Confidential Iran Political and Economic Update*, at 8 (Oct. 8, 2004) ("Ali Shamkhani" had a "close relationship with the Supreme Leader"), *republished in* MTN Group, Hoffmann Report, Appendices, 363-65.

house and external legal, stakeholder management, communications, and operations arms, all of which knew of Shamkhani's nature and connection to Defendants.

218. For MTN, Shamkhani's status as a notorious IRGC arms-supplier and Khamenei inner circle member was a feature, not a bug: Defendants viewed Shamkhani's MODAFL as the "key player" in the negotiations.[192] Accordingly, in 2013, MTN Group revealed that Defendants conducted a host of meetings with Shamkhani (directly or via his lieutenants at MODAFL or IEI) in 2004 and 2005 prior to Shamkhani helping MTN steal Irancell from Turkcell, and that Defendants met with Shamkhani several times (inclusive of meetings with persons Defendants understood to be acting as Shamkhani's agent) from 2004 onward.[193] In or about July 19 through July 23, 2004, for example, MTN Group sent a delegation, including CEO Nhleko and Commercial Director Charnley, to Tehran to meet with senior Iranians. During this trip, the South African Minister of Defence "gave a dinner at his hotel which was attended by his Iranian opposite number, [IRGC] Admiral [Ali] Shamkhani and a number of others including Mr Nhleko and Mrs Charnley,"[194] at which IEI President "Dr Ebrahim Mahmoudzadeh" and South African

[192] MTN Group, *Consolidated Report on Iran Visits*,3 (July 21, 2004), *quoted in* MTN Group, Hoffmann Report, ¶79.

[193] *See*, *e.g.*, MTN Group, *Iran - Status - 2004-09-09.ppt*, 2 (Sept. 9, 2004) (MTN Group presentation observing that, with respect to Iran's "Second Licence" (*i.e.*, Irancell), "SAIRAN (IEI) is yet to approach Turkcell with the proposals that were made to MTN by their MOD"—*i.e.*, the Shamkhani-led MODAFL), *republished in* MTN Group, Hoffmann Report, Appendices, at 353; MTN Group, Hoffmann Report, ¶85 (MTN Group representatives, including MTN Group CFO Rob Nisbet and MTN Group Commercial Director Irene Charnley, met with representatives of IRGC-controlled MODAFL, including IRGC Vice Admiral Shamkhani's deputy, Jarrahi, on September 15, 2004); MTN Group (MTN Group Iran Director Chris Kilowan), *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005) (observing that Iranian "Minister of Defence" Shamkhani was "keen to have MTN on board" as shown by how he "[i] Contacted SA Ambassador[;] [ii] Informed Iran Ambassador to brief MTN accordingly[;] [iii] Appointed a dedicated team to negotiate with MTN"), *quoted in* MTN Group, Hoffmann Report, ¶117.

[194] MTN Group, Hoffmann Report, ¶228.

Ambassador to Iran Yusuf Saloojee were "[a]lso present."[195] MTN Group has admitted that, "[t]here" was "some controversy over what the [IRGC] Admiral [Shamkhani] said during the dinner" that IRGC "Rear Admiral Shamkhani … gave" to "honour" MTN Group and others from South Africa meeting with MODAFL in Tehran: according to MTN, "[t]he MTN [Group] delegation [including CEO Nhleko and Commercial Director Charnley] optimistically took [IRGC Admiral Shamkhani] to have said, or claimed that he had said, that MTN should become a member of the Irancell consortium."[196] In other words, MTN Group understood that its efforts with the Iranian regime and South African government had collectively persuaded Shamkhani—the IRGC's most important leader responsible for designing, building, procuring, and supplying arms to power attacks targeting the United States by the IRGC, Hizballah had their proxies—to back MTN. MTN Group has admitted that the events surrounding Shamkhani's dinner to honor MTN and others was an example of MTN's "influence in defence matters" that benefited "Iran" while MTN was trying to win Irancell. For MTN, however, a festive event thrown by an avowed anti-American terrorist to honor MTN was just another "customary dinner" of no import.[197]

219. During the same trip, Nhleko and Charnley also personally met with "with officials from [] the Ministry of Defence"[198] while MODAFL and Shamkhani were publicly touting, in thinly coded language, how they were helping Iran harm the United States in Iraq and Afghanistan to prevent an American threat to Iran. For example, on July 20, 2004 (Day 2 of MTN's visit), Shamkhani was quoted at length in IRGC media, and publicly admitted, *inter alia*:

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[195] MTN Group, Hoffmann Report, ¶84.

[196] *Id.*

[197] *Id.*

[198] MTN Group, Hoffmann Report, KPMG Report, 32, *republished in* MTN Group, Hoffmann Report, Appendices, 231.

a. "America paid a heavy price for its unilateral policy [in Iraq] and as such America would seek a coalition for its future operations [against Iran] though it is unlikely that such a coalition can be formed."

b. "Prior to the attack against Saddam, Americans thought that the fall of Saddam would have a tremendous effect on Syria, Iran and other countries in the region but, domestic developments in Iraq after the fall of Saddam changed the Iraqi issue as a means for the attainment of America's aims and policies in the region into a vulnerability, and now America is concerned about its defeat in Iraq."

c. "This strategy is a countervailing one. Some friends believe that revolutionary slogans of those advocating power and idealism can lead to war but, in the absence of these [slogans], defeatist words would not solve problems. Rather, they can encourage or even give the wrong signal to enemies."

d. "We must continually use defence technology and update it and simultaneously maintain our mobility in the strategic, operational and tactical fields."[199]

220. During the same MTN Group visit in Iran from July 19-23, 2004, MTN Group's Iran Director (who was not present in Iran for the visit) sent a briefing note to aid the MTN executives while they were in Iran, which alerted MTN that: "There are strong indications from more than one source that the Iranian Ministry of Defence [MODAFL] is a key player and is looking for some sort of trade with South Africa. This could be of assistance to MTN in relation to the 2nd GSM licence [Irancell]."[200]

221. Days later, MTN Group had learned that the South African Ministry of Defence had planned a series of bilateral meetings with MODAFL in Tehran featuring meetings between South African Minister of Defence Lekota and MODAFL leader IRGC Vice Admiral Ali Shamkhani, so on August 3, 2004, Charnley wrote to Lekota that it had "been brought to my attention that you will be travelling to Iran around the 15th and 17th August" (to meet with

[199] Iranian Labour News Agency (July 19, 2004), *quoted in* BBC Int'l Reports (Mid. E.), *Iran's Strategy Based On Effective Deterrence, Says Defence Minister* (July 20, 2004).

[200] MTN Group, *Consolidated Report on Iran Visits*, 3 (July 21, 2004), *quoted in* MTN Group, Hoffmann Report, ¶79.

MODAFL and Shamkhani), so MTN Group was "requesting an opportunity for myself and the Chief Executive Mr Phuthuma Nhleko to accompany you on this visit as MTN is exploring new business opportunities in Iran."[201]

222. On August 18, 2004, MTN Group sent a letter signed by its President and CEO Nhleko that was addressed to IRGC Admiral Shamkhani's top deputy at MODAFL—whom MTN knew only as "Mr. Jarrahi, the Deputy Minister of Defence"—in which MTN "invit[ed] discussion" with the Shamkhani-led-MODAFL "about MTN's participation" in "the Irancell consortium."[202] The next day, August 19, 2004, the *Associated Press* reported that "Defence Minister Ali Shamkhani said the presence of American forces in Iraq and Afghanistan was not a threat to Tehran" because, according to Shamkhani, "American soldiers were now 'hostages' to Iran." Pointedly, the *Associated Press* reported that Shamkhani's "comments came as the U.S." sought "to increase diplomatic pressure on Iran to curb its nuclear program" but " agreed to delay any move to impose sanctions until after November [2004]'s presidential elections in the U.S.," and the *Arab Press Service* reported that "Tehran made a show of testing its … missiles" and "threatened to attack Israel." The day prior, Shamkhani warned *al-Jazeera*'s global audience:

> We will not sit to wait for what others will do to us. There are differences of opinion among military commanders. Some commanders believe a preventive military operation is not a strategy created by Americans, or is not limited to Americans. Any nation, if it feels threatened, may resort to that … America is not the only one present in the region. We are also present, from Khost to Kandahar in Afghanistan; we are present in the Gulf and we can be present in Iraq.

223. On August 24, 2004, MTN Group Commercial Director Irene "Charnley sent an e-mail to" one of MTN Group's representatives in Iran, Chris "Kilowan, who had just arrived in

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[201] MTN Group, Letter from Irene Charnley to Minister Lekota (Aug. 3, 2004), *quoted in* MTN Group, Hoffmann Report, ¶83.

[202] MTN Group, Letter from Phuthuma Nhleko to Mr. Jarrahi (Aug. 18, 2004), *quoted in* MTN Group, Hoffmann Report, ¶85.

Iran to set up the permanent MTN office, asking him to arrange a meeting with" IRGC Admiral Shamkhani's deputy at MODAFL, "Mr Jarrahi" with whom "Mrs Charnley and" MTN Group CFO Rob "Nisbet could pursue negotiations" between MTN Group and the Shamkhani-led MODAFL "to 'finalise consensus reached around the 2nd GSM license'."[203] MTN also told its top Iran person: "You should also get hold of a Mr Mahmoudazeh but Mr. Jarahhi is the key."[204]

224. Defendants agreed to the atypical terms Shamkhani demanded. Defendants' direct collaboration with Shamkhani, and via his agents (including Mahmoudzadeh among others) through manners involving atypical commercial terms designed to route money to Shamkhani-held fronts, was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

225. Sanctions findings have confirmed Shamkhani's key role in sponsoring Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2020, for example, the United States "designated" IRGC Admiral "Ali Shamkhani" alongside other Khamenei Cell members (*e.g.*, Mohsen Rezai) "pursuant" to" U.S. counterterrorism authorities under "E.O. 13876,"[205] which was adopted in 2019 to protect the United States from "violence, sabotage, and terrorism" sponsored by "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. According to

[203] MTN Group, Hoffmann Report, ¶85 (*quoting* MTN Group, E-mail from Irene Charnley to Chris Kilowan (Aug. 24, 2004)).

[204] *Id.*

[205] U.S. Dep't of Treas., *Treasury Targets Iran's Billion Dollar Metals Industry and Senior Regime Officials* (Jan. 10, 2020).

Treasury, "Ali Shamkhani" was "designated pursuant to E.O. 13876 for being" a "person[] appointed to a position as a state official of Iran by the Supreme Leader" upon finding that "Shamkhani" was a "senior Iranian official[]" who worked closely with Ayatollah Khamenei, the SLO, and IRGC to "advance[] the [Iranian] regime's destabilizing objectives" through "the funding of global terrorism" by being responsible for developing "sources of revenue used by the Iranian regime to fund and support its … terrorism and terrorist proxy networks."[206]

6. Ebrahim Mahmoudzadeh: Key Armorer to the IRGC, President of IEI, and Chairman of Irancell

226. Subordinate to Ali Shamkhani and head of the IRGC's primary provider of electronic arms, Ebrahim Mahmoudzadeh openly touted IEI's role in supplying the IRGC's electronic capabilities, warning on Iranian television, according to a report by *Agence France Presse* in March 2006, that "[i]f our main enemy [the United States] wants to carry out electronic warfare and jamming operations, our standards are at the NATO level." He further boasted that the "share of military products" that IEI produced for the IRGC-controlled MODAFL "had increased to 50 per cent" and that IEI was producing "120 military products that are delivered" to the IRGC, among others.[207] During the negotiations, in July 2004, IRGC media touted how Mahmoudzadeh helped IEI supply electronic arms to Iran.[208]

227. In 2004, MTN assessed in a written memorandum that "Mr Mahmoudzadeh" wanted to ensure "that ***Defense [MODAFL] has a stake in the MTN consortium.***"[209] And,

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[206] *Id.*

[207] Siyasat-e Ruz (Apr. 11, 2006), *republished in* BBC Int'l Reports (Mid. E.), *Iran Press: Iranian Electronic Industries Producing More Items For Military* (Apr. 15, 2006) (cleaned up).

[208] Islamic Republic News Agency (July 12, 2004), *quoted in* BBC Int'l Reports (Mid. E.), *Iran Enjoys Defence Capability Against Electronic Warfare* (July 12, 2004).

[209] MTN Group, *Highly Confidential Iran Update*, 4-5 (Nov. 12, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 369-70.

according to Defendants, "Dr Mahmoudzadeh, as President of Sairan [Iran Electronics Industries], regarded the terms offered by MTN as favourable."[210] As Chairman of Irancell and President of IEI, Mahmoudzadeh was among MTN Group's closest Iranian contacts, from 2004 on onward—including in the years after 2008. Defendants met, communicated, and/or transacted with Mahmoudzadeh on multiple occasions from 2004 onward.[211]

228. Defendants agreed to the atypical terms Mahmoudzadeh demanded. Among other things, Defendants gave Mahmoudzadeh diamonds, routed a $3.6 million payment to an IRGC-controlled bank to benefit him as a bribe, and agreed to the atypical terms he demanded.

229. Defendants' direct collaboration with Mahmoudzadeh through manners involving atypical commercial terms designed to route money to personally benefit Mahmoudzadeh and route money to organizations he led and controlled (*e.g.*, IEI) and served (*e.g.*, MODAFL) was not known, or knowable, until MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

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[210] MTN Group, Hoffmann Report, ¶289.

[211] *See*, *e.g.*, MTN Group, Hoffmann Report, ¶¶84, 228; MTN Group (Irene Charnley), Fax to Ebrahim Mahmoudzadeh (Nov. 16, 2004), *republished in* MTN Group, Hoffmann Report, Appendices, 101-5; MTN Group, *Urgent Update*, 1 (June 20, 2005), *republished in* MTN Group, Hoffman Report, Appendices, 400; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh, *et al.*, 1-2 (July 5, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 117-18; MTN Group, Letter from Chris Kilowan to Ebrahim Mahmoudzadeh (Sept. 13, 2005), *quoted in* MTN Group, Hoffmann Report, ¶126; MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders (Sept. 18, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 110-12; MTN Group, Memo. from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), *quoted in* MTN Group, Hoffmann Report, ¶136; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh and Mohammed Mokhber (Oct. 17, 2005), *quoted in* MTN Group, Hoffmann Report, ¶138; MTN Group, *Project Snooker Presentation*, 2-4 (Nov. 22, 2005), *republished in* MTN Group, Hoffmann Report, KPMG Report, 15-17, 25, 34-35, *republished in* MTN Group, Hoffmann Report, Appendices, 214-16, 224, 233-34.

230. Sanctions have confirmed that Mahmoudzadeh's Irancell-related role was always to help source arms for use by the IRGC and its proxies. In 2008, the E.U. sanctioned Irancell Board of Directors Chairman Ebrahim Mahmoudzadeh for direct facilitation of illicit IRGC weapons acquisition and proliferation efforts, which focused on IRGC acquisition, development, and export of weapons like missiles, rockets, and UAVs (drones), and in recognition of his role as a vital supporter of the IRGC's ballistic missile operations.[212] In 2010, the E.U. further sanctioned Mahmoudzadeh and found that, as "Managing Director of Iran Electronic Industries," he was one of the IRGC's key "[p]ersons … involved in nuclear or ballistic missiles activities."[213] In 2017, Switzerland sanctioned Mahmoudzadeh for direct facilitation of illicit IRGC weapons acquisition and proliferation efforts, which focused on IRGC acquisition, development, and export of weapons like missiles, rockets, and UAVs (drones).[214] In 2020, and again in 2022, the U.K. (which had sanctioned Mahmoudzadeh since 2008) and E.U. imposed additional arms-related sanctions targeting Mahmoudzadeh.[215]

[212] European Union, *Council Decision Of 23 June 2008 Implementing Article 7(2) Of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran (2008/475/EC)*, Official J. of the European Union (June 24, 2008).

[213] European Union, *Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 Implementing Article 7(2) of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran*, Official J. of the European Union (July 27, 2010).

[214] Swiss Confed., Fed. Dep't of Econ. Aff., Educ. and Research EAER, State Secretariat for Econ. Aff. SECO, *Sanctions: Version of 27.01.2017*, 12 (Jan. 27, 2017) (memorializing implementation of U.N. sanctions against Ebrahim Mahmudzadeh ("Name: Mahmudzadeh Ebrahim"), "Justification: Managing Director of Iran Electronic Industries. Relation: Managing director of Iran Electronics Industries (including all branches and subsidiaries").

[215] *See*, *e.g.*, U.K. Office of Fin. Sanctions Implementation HM Treasury, *Financial Sanctions Notice: Iran (Nuclear)*, 10 (Apr. 3, 2022).

7. Alireza Dezfouli: Irancell Managing Director and Key Sponsor of IRGC and Hizballah Attacks Funded by the "Resistance Economy"

231. Subordinate to Ali Shamkhani, Ebrahim Mahmoudzadeh, Mohammad Forouzandeh, and Mohammed Mokhber, among others, Alireza Dezfouli served as Managing Director of Irancell from 2005 through 2019. Throughout, he sponsored attacks by the IRGC and Hizballah through his role helping lead Irancell.

232. In 2014, Dezfouli publicly admitted for the first time that Irancell supported IRGC-sponsored "resistance" (*i.e.*, terrorist attacks targeting the United States) as part of Irancell's "social responsibility" efforts because, according to Dezfouli, Irancell's "development … will make some of the objectives pursued by the resistive economy come true" including by promoting, *inter alia*, "[r]esistance against the threatening elements," *i.e.*, terrorism targeting the United States, "Safety of the strategic … goods" (*i.e.*, the IRGC's and Hizballah's weapons stockpiles), "and cooperation with Imam Khomeini Relief Foundation were among other measures taken by Irancell for fulfilling its social responsibilities."[216] Notably, the Lebanese branch of the same Imam Khomeini Relief charity was a notorious sponsor of Hizballah attacks through its programmatic policy to finance, advertise, and disburse Iran-funded martyr, prisoner, and orphan payments to Hizballah terrorists and their families.[217]

233. Dezfouli also played a direct role in IRGC attacks when Dezfouli personally assisted IRGC-IO operatives embedded at Irancell's headquarters in Tehran.

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[216] Alireza Dezfouli, *quoted in* ICTNA, *Irancell Brings 4G to Iran* (Nov. 22, 2014), https://www.ictna.ir/id/065513/.

[217] *See* U.S. Dep't of Treas., *Fact Sheet: U.S. Treasury Department Targets Iran's Support for Terrorism Treasury Announces New Sanctions Against Iran's Islamic Revolutionary Guard Corps-Qods Force Leadership* (Aug. 3, 2010).

234. Dezfouli was Defendants' bonded partner in Irancell. Among other things, Dezfouli was a member of the MTN Group Executive Committee, Dezfouli attended Irancell board meetings in South Africa, Dezfouli worked closely with MTN for well over a decade, and MTN publicly showered Dezfouli with praise when he retired.

B. Defendants Engaged in a Protracted Scheme to Gain a Foothold in the Iranian Telecoms Market by Winning Over the Terrorist Sponsors

235. From 2004 through at least 2013, Defendants repeatedly met with, spoke with, partied with, hosted events with, negotiated with, emailed with, transmitted fax messages with key, and/or transacted with (or for the benefit of) high-profile sponsors of IRGC and Hizballah attacks, including, but not limited to: (1) IRGC and Hizballah Supreme Commander Ayatollah Ali Khamenei (through his agents, including through Khamenei's agents Mohammed Forouzandeh and Mohammed Mokhber); (2) senior IRGC commander Ali Shamkhani, who also led MODAFL (including through Shamkhani's agent Ebrahim Mahmoudzadeh); (3) senior IRGC leader Hassan Rouhani, who was also Secretary of the Supreme National Security Council; (4) senior IRGC leader Mohammad Forouzandeh, who was also President of the Foundation for the Oppressed President (including through Forouzandeh's agent Mohammed Mokhber); (5) publicly self-identified IRGC armorer Ebrahim Mahmoudzadeh, who was IEI President and Irancell Chairman; (6) IRGC member Mohammed Mokhber, who was also Vice President of the Foundation for the Oppressed. Defendants did so to secure the Irancell license in 2004-2006 and then maximize cash flow from Irancell from 2007 through 2013. On information and belief, Defendants continued communicating with at least some of the above IRGC and Hizballah sponsors from 2013 through 2025, as well as other such sponsors (including, but not limited to Parviz Fattah), which further corroborated Defendants' pattern and practice of working closely with notorious sponsors of IRGC and Hizballah attacks.

236. As sophisticated business exercising ordinary pre-transaction, and post-transaction (ongoing monitoring) due diligence about its counterparties, MTN knew who they were and what they did and said before and during the Irancell negotiations, including each of the above individuals. Given the context, Defendants could only have understood that their counterparties were—almost to a man—high-ranking members of Iran's elite terrorism and sanctions evasion apparatus that was directly involved in Hizballah's and the IRGC's operations (attack)-facing role, and that Defendants' involvement in the Irancell venture was intended to advance the goals of that apparatus, for which the primary goal, as MTN knew, was always to target the United States with terrorist violence.

237. Indeed, merely attending a meeting at the headquarters of the Foundation for the Oppressed—which Defendants did on at least one occasion—alerted Defendants that their counterparties were Terrorist Sponsors. The Foundation's building was one of the most secure in Tehran, festooned with IRGC propaganda depicting IRGC terrorist icons, and secured by IRGC personnel—all of which were consistent with the Foundation for the Oppressed's status a hiding-in-plain-sight front for the IRGC and Hizballah.[218]

[218] *See* Robert D. Kaplan, *A Bazaari's World: To Understand Iran—And Perhaps Even The Future Of Other Parts Of The Islamic World—One Must Understand A Man Like Mohsen Rafiqdoost*, Atlantic (Mar. 1996) ("[To visit] the Foundation of the Oppressed … headquarters, where I met with [Mohsen] Rafiqdoost, … I had to pass through two heavily guarded checkpoints in order to enter the complex. It was more impressive than any government ministry I saw in Tehran. Were the amputees who were employed inside, along with the charity work and the whole aura of do-goodism exemplified by the foundation's very name, merely façades—like the milk factory that was thought to be a cover for a chemical-weapons facility in Iraq? Was the foundation's emphasis on helping the 'oppressed' the tactical equivalent of putting a terrorists' training facility near a school or hospital, as was done in Lebanon [by Hizballah]? I asked myself such cynical questions because the Foundation of the Oppressed … [is] answerable only to the "Supreme Leader" of Iran, the Ayatollah Ali Khameneh'i… In the view of a Washington-based analyst, 'Rafiqdoost is … a mobster-trader: a dark, rootless master monopolist.' Who can say to what groups in the Middle East and elsewhere Rafiqdoost may be sending checks? … T]he

238. On September 26, 2004, under pressure from the IRGC, MODAFL, and other hard-liners, Iran's "parliament passed what has been called the **Single Article Act**" to mandate "that the GSM2 licence [Irancell] … should be subject to parliamentary consent."[219] In June 2005, the *Economist* reported that the legislation also stipulated that Irancell-related "security issues be referred to the intelligence ministry and the Supreme National Security Council."

239. Sensing victory, Defendants doubled down on their cultivation of the Iranian hardliners. On September 27, 2004, a delegation comprised of at least 10 Iranian nationals including Supreme National Security Council Secretary Hassan Rouhani, and on information and belief one or more other Iranians involved in Irancell identified herein, went to a festive dinner in South Africa organized and paid for by MTN Group.[220] MTN Group "sponsor[ed] the delegation's stay" in South Africa, with Iran's "consent[]," because MTN Group "treated" Rouhani's visit "as an opportunity to do some lobbying" of Iranian "officials" who could help MTN win Irancell.[221]

240. MTN's intimate celebratory dinner—attended by Nhleko and Charnley, among others—came on the heels of Rouhani's meeting with South African President Thabo Mbeki, where he secured South African support for Iranian efforts to counteract the pressure the United States was seeking to impose on Iran through the U.N. Security Council.[222] During the dinner,

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possibility [exists] that Rafiqdoost is operating a financial and logistical clearinghouse for international terrorism.").

[219] MTN Group, Hoffmann Report, ¶90.

[220] *See*, *e.g.*, MTN Group, Hoffmann Report, KPMG Report, 37, *republished in* MTN Group, Hoffmann Report, Appendices, at 236.

[221] MTN Group, Hoffmann Report, ¶268.

[222] *See*, *e.g.*, Republic of S. Africa, Dep't of Foreign Affairs, S. African Council for the Non-Proliferation of Weapons of Mass Destruction, Press Release (Sept. 30, 2004), *cited in* Nuclear Threat Initiative, *South Africa Nuclear Chronology* (May 2007).

MTN celebrated Ayatollah Khamenei and the Supreme National Security Council by giving "gifts" to each of the ten "Iranian delegation" members—including Rouhani. The gifts included a "0.35 carat diamond."[223]

241. In or around November 2004, MTN also promised to help its IRGC partners obtain embargoed U.S. equipment, in violation of U.S. antiterrorism sanctions. For example, during initial negotiations, MTN Group offered to source "major components" for American-made "Bell" and "Sikorsky" helicopters that were intended for IRGC "military use."[224]

242. On or around December 6-10, 2004, MTN Group hosted Iranian officials who visited South Africa to discuss Irancell with MTN. MTN Group's Non-Executive Chairman (and later President of South Africa), Cyril Ramaphosa, attended various meetings with Iranian officials during this trip, as did Defendants Nhleko and Charnley.

243. In connection with these meetings, on December 7, 2004, MTN Group again gave "gifts" to each Iranian official, including "gold" and a "0.25 carat diamond[]."[225] MTN also supplied high-end hotel suites, dinner in a private room at an upscale restaurant, and luxury rental cars.[226] MTN falsely accounted for these bribes by reporting them "in the 'professional fees' general ledger account."[227]

244. Cyril Ramaphosa's presence at these meetings—and his high-ranking role in MTN Group, more generally—is notable: He was an avowed supporter of Ayatollah Khamenei,

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[223] MTN Group, Hoffmann Report, KPMG Report, 38-39, 42, *republished in* MTN Group, Hoffmann Report, Appendices, 237-38, 241.

[224] MTN Group, Fax from Irene Charnley to Ebrahim Mahmoudzadeh (Nov. 16, 2004).

[225] MTN Group, Hoffmann Report, KPMG Report, 33-34, *republished in* MTN Group, Hoffmann Report, Appendices, 232.

[226] *Id.*

[227] *Id.*

the IRGC, Hizballah, and their anti-American stances. For instance, in 2015, Ramaphosa publicly praised the Iranian regime resisting U.S. pressure over its nuclear program, adding that he has "supported Iran and its stances," including on "the removal of sanctions."[228] In 2020, likewise, Ramaphosa publicly mourned the death of notorious terrorist Qasem Soleimani, stating: "I was very shocked by the news of Lt. Gen. Soleimani's martyrdom who was very popular among people. We strongly condemn this action."[229] Indeed, he even published a press release that condemned the U.S. strike against Soleimani while conspicuously not condemning any IRGC attacks against the United States.[230] In 2024, for example, the South African government led by Ramaphosa expressed its "profound concern" about the "tragic" death of violent Hizballah terrorist Nasrallah.[231]

245. Surveying the landscape of Ramaphosa's actions and statements, U.S. Congresswoman Elise Stefanik has observed: "Cyril Ramaphosa, has amassed significant personal wealth through his association with [MTN]. Ramaphosa's government has aggressively opposed Israel following the Hamas terrorist attack on October 7, 2023. . . . South Africa's increasing alignment with Iran, an avowed sponsor of terrorism and antisemitism, poses profound ethical and geopolitical questions."[232]

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[228] Cyril Ramaphosa, *quoted in* Tehran Times, *Rouhani Say Iran Can Link South Africa to Central Asia, Eastern Europe* (Nov. 10, 2015), 2015 WLNR 33400261.

[229] Mehr News Agency, *South Africa Calls For Peaceful Resolution Of Tensions In Middle East* (Jan. 11, 2020); *see* Cyril Ramaphosa, *quoted in* Office of the Presidency of the Islamic Republic of Iran, *Iran: President In A Phone Call With His South African Counterpart*, States News Serv. (Jan. 9, 2020).

[230] *See* Cyril Ramaphosa, *quoted in* Office of the Presidency, Republic of S. Africa, *President Calls For Peaceful Resolution Of US-Iran Tension*, States News Serv. (Jan. 10, 2020).

[231] Republic of S. Africa, Dep't of Int'l Relations and Cooperation, *DIRCO Statement on the Escalation of Violence and Extrajudicial Killings in the Middle East* (Sept. 28, 2024).

[232] Rep. Elise Stefanik, Letter to Bank of New York Mellon, at 1-2 (June 11, 2025).

C. Defendants Win Over the Terrorist Sponsors and Enter the Iranian Market Through the Irancell Joint Venture

246. Defendants' efforts worked. On September 18, 2005, MTN Group's CEO and IEDC's managing director (IEI's Mahmoudzadeh) executed a "**Letter Agreement**" cementing the partnership between MTN Group, MTN Mauritius, the Foundation for the Oppressed, and IEI,[233] attached as Exhibit A. The Agreement established that the "Iranian Shareholders"—the Foundation and IEI, acting as IEDC—own 51% of Irancell, while "MTN" owns 49%.

247. The Letter Agreement between "MTN," which necessarily included MTN Group, and IEDC's two Iranian shareholders (IEI and the Foundation) is an extraordinary document. It was drafted by the Foundation and IEI. It makes ***no mention of telecommunications services***. Instead, it lays out broad financial and organizational parameters for the parties' joint venture, and then adds the following highly unusual provision:

> [§] 8. The cooperation between MTN and Iranian shareholders should be in the line of ***defensive, security and political cooperation***. MTN shall fully support cooperation regarding the aforementioned issues in South Africa.[234]

248. In this context, "security" cooperation is a known euphemism for terrorism targeting enemies of Iran—*i.e.*, the United States. The Iranian constitution and laws consistently distinguish between "military" functions, on the one hand, and "security," on the other, using the latter to refer to the IRGC's role as the defender and exporter of the Islamic revolution through terrorism. A broad consensus of Iran scholars agree that "security" ordinarily is understood in the Iranian context, by all sides, to refer to IRGC-related terror operations against Americans carried

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[233] MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders (Sept. 18, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 110-12, and attached hereto as Exhibit A (hereinafter, "MTN Group, *et al.*, Letter Agreement").

[234] MTN Group, *et al.*, Letter Agreement § 8, *republished in* MTN Group, Hoffmann Report, Appendices, 111-12 (emphasis added), and attached hereto as Exhibit A.

out by the Hizballah, the Qods Force, and their Axis proxies.[235] Regular media reports similarly alerted Defendants to that connection.[236]

249. By agreeing to "fully support" the "security" agenda espoused by Foundation and IEI as a condition of MTN's participation in Irancell, as set forth in section 8 of the Letter

[235] *See, e.g.*, R. Nicholas Burns, *quoted in* Interview, Ashish Kumar Sen (Atlantic Council), *Dealing with Iran: A Policy of Engagement and Deterrence*, Harvard Belfer Center for Sci. & Int'l Affairs, States News Serv. (Jan. 19, 2016) ("[T]he people who actually run Iran's security policies, their intelligence networks, their support to the terrorist groups like Hezbollah and Hamas, are in the Iranian Revolutionary Guard Corps. That group of people has a fundamentally more anti-American, cynical, brutal view of the future of Middle East politics."); Nakhleh Emile, *Aligning With Iran Necessary to Combat Sunni Extremism*, Iran Times Int'l (June 9, 2017) (emphasis added), 2017 WLNR 23277897 ("Iran has supported Sunni and Shia terrorist organizations over the years … in the service of its national interest. Supporting proxy terrorist groups has been a principle of Iran's security doctrine for years, especially during the period when Iran was threatened with the possibility of regime change.").

[236] Decades of reports alerted MTN to the connection. *See*, *e.g.*, Holger Jensen, *Sanctions Target Libya, Ignore Other Terrorist Regimes*, Denver Rocky Mountain News (Apr. 16, 1992), 1992 WLNR 425546 ("Imad Mughniyeh, ***chief of security*** for Hezbollah, the Iranian-sponsored Party of God, and ***head of its terrorist arm***, Islamic Jihad (Holy War)."); Lance Williams and Erin McCormick, *Bin Laden's Man in Silicon Valley*, San Francisco Chron. (Sept. 21, 2001) ("… Arranges security for meeting between bin Laden and Imad ***Mughniyeh, security chief for the Iran-sponsored terrorist group Hezbollah***"); Wash. Post (Op-Ed), *The Irony of Iran* (Nov. 11, 2001) ("Iran's foreign and ***security policies*** … back terrorist groups such as Hezbollah and Hamas … Ayatollah Mahmoud Hashemi Shahroudi, the head of Iran's judiciary, recently summed up the view of this wing of the government: '***Our national interests lie with antagonizing the Great Satan***,' he stated. … It would be a mistake for the Bush administration to warm relations without serious progress in reining in Iran's … terrorist links."); Boston Herald (Op-Ed), *Taking First Steps in Iran* (Mar. 21, 2004) ("All this would be news for Iranians and specialists were it not for [the] fact[] [that] ***Iran's security agencies … are the biggest backers of terrorism in the Middle East***, notably through … Hezbollah…."); Tim Shipman, *How Real is Terror Threat to Britain?*, Express on Sunday (Mar. 6, 2005) ("[T]he terrorist group Hezbollah and [] ***Iranian security chiefs*** *... are* ***key sponsors of international terrorism***."); Barry Schweid, *U.S. Foresees Further Defiance By Iran To U.N. Demands On Uranium Enrichment*, AP Worldstream (Aug. 8, 2006) ("State Department spokesman Sean McCormack … denounced Iran as a ***supporter of terror groups*** in defiance of U.N. resolution. That support, he said, was '***an integral part***' of Iran's foreign and national ***security policy***.") (all emphases added). These reports are representative examples of a far broader body of media reporting on the same topic.

Agreement,[237] MTN knowingly agreed to support anti-American terrorism, conducted by the IRGC, Hizballah, and their proxies.

250. Similarly, by agreeing to "fully support" the "defensive" agenda espoused by Foundation and IEI, MTN knowingly agreed to enable the Iranian regime's "defensive" organizations responsible for supplying the weapons and key logistics to the IRGC, Hizballah, and their proxies—*i.e.*, IRGC-controlled MODAFL. Iranian leadership consistently connected "defense" with the IRGC. For example, after his Revolution, Ayatollah Khomeini decreed: The "[IRGC] . . . will be[] one of the greatest defense strongholds of . . . our system."[238] In 2007, IRGC Commander Safavi confirmed that "defense" was a "major mission[] of the IRGC."[239]

251. Moreover, as MTN knew, references to "defensive" or "defense" issues in Iran necessarily involved MODAFL—which was IRGC-controlled and the armorer for the IRGC, Hizballah, and their terrorist proxies, as MTN knew. In 1997, for example, IRGC Vice Admiral Ali Shamkhani, who led MODAFL at the time, stated that MODAFL would "seriously" sponsor the "promotion of sophisticated technology in defense related industries" and "export of defensive products."[240] In 2004, likewise, IRGC media arm *IRIB* reported that "Shamkhani stressed that Iran has an effective defensive power and can stand up to all threats including … ultra-regional threats" (*i.e.*, the United States).[241] In 2004, similarly, *IRNA* reported that IEI

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[237] MTN Group, *et al.*, Letter Agreement § 8, *republished in* MTN Group, Hoffmann Report, Appendices, 111-12, and attached hereto as Exhibit A.

[238] Ruhollah Khomeini, *quoted in* Institute for Compilation and Publication of Imam Khomeini's Works, *Pithy Aphorisms: Wise Sayings and Counsels* (4th Ed.), at 141 (2014).

[239] Rahim Safavi, *quoted in* Wehrey and Nader, *Rise of the Pasdaran*, 19.

[240] Xinhua, *Profile: Ali Shamkhani, Iran's Defense Minister*, Sinocast (Aug. 20, 1997).

[241] BBC Int'l Reports (Mid. E.), *TV Says Iran Commissioned Advanced Military Communication Systems* (Sept. 25, 2004) ("Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 1030 gmt 25 Sep 04").

President Mahmoudzadeh bragged that the "preparedness to defend" Iran "against electronic warfare" by the United States was "the outcome of hard works of the Iranian experts in the field of electronic industry for defensive purpose."[242]

252. In 2008, similarly, Ayatollah Khamenei, as rebroadcast by Hizballah media arm *al-Manar*, stated: "The defensive military capabilities constitute one of Iran's major goals. … Supplying the armed forces with the most sophisticated war technologies is necessary to defend the values of the revolution and the country and confront the foreign military threats."[243] In 2008, likewise, IRGC founder and Hizballah co-founder Mohsen Rafiqdoost stated: "Our military and arms industries are purely defensive."[244]

253. By agreeing to "fully support" the "political" agenda espoused by Foundation and IEI, MTN knowingly enabled the Iranian regime's "political" efforts—which, as MTN always knew, referred to Iranian efforts to deter, degrade, and destroy U.S. origin-sanctions targeting Iranian support for terrorism and violence that were enacted and enforced by the U.S. government and United Nations.

254. The Letter Agreement's reference to "in South Africa"—as informed by the context of its negotiations with the Foundation for the Oppressed and IEI—meant at least three separate types of aid by MTN to its Iranian partners. *First*, "in South Africa" meant that MTN Group itself pledged to coordinate all such "defensive, security and political" aid to its Iranian

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[242] BBC Int'l Reports (Mid. E.), *Iran Enjoys Defence Capability Against Electronic Warfare* (July 12, 2004) ("Source: IRNA news agency, Tehran, in English 1233 gmt 12 Jul 04").

[243] Ali Khamenei, *quoted in* Al-Manar, *Al-Manar Television, Beirut, In Arabic 1735 GMT 14 May 08* (May 14, 2008), *quoted in* BBC Int'l Reports (Mid. E.), *Lebanese Al-Manar TV Airs Two-Part Documentary On Iran's Military Capabilities* (May 19, 2008).

[244] Mohsen Rafiqdoost, quoted in Al-Manar, *Al-Manar Television, Beirut, In Arabic 1735 GMT 14 May 08* (May 14, 2008), *quoted in* BBC Int'l Reports (Mid. E.), *Lebanese Al-Manar TV Airs Two-Part Documentary On Iran's Military Capabilities* (May 19, 2008).

partners, and MTN was pledging that it would direct this effort. *Second*, "in South Africa" meant that MTN Group would promote the "defensive, security and political" needs of the Foundation and IEI in South Africa, *i.e.*, MTN would do what it could the Foundation and IEI expand their operations, networks, and activities in South Africa. That mattered because, as MTN always knew, South Africa was a vital operations hub for the IRGC and Hizballah—which has viewed South Africa as a veritable "home away from home" since at least the late 1990s. From South Africa, the IRGC and Hizballah sourced funds, arms, and recruits to power their attacks throughout the Greater Middle East.[245] *Third*, "in South Africa" meant that MTN would lobby the South African government to advance the Foundation and IEI's "defensive, security and political" needs. This mattered because South Africa played a key role at the United Nations and could help counter the rising tide of sanctions targeting Iran.

255. The Letter Agreement also obligated MTN Group to work with Bank Melli.[246] Bank Melli and its affiliates have been sanctioned repeatedly by the U.S. government for "provid[ing] banking services to the IRGC and the Qods Force," and "employ[ing] deceptive banking practices" when doing so.[247] Indeed, "[f]rom 2002 to 2006, Bank Melli was used to send at least $100 million to the Qods Force."[248]

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[245] *See, e.g.*, Armin Rosen, *Desperate For Allies and Secret Assets, Iran Penetrates Africa*, The Tower (Aug. 2013), http://www.thetower.org/article/desperate-for-allies-and-secret-assets-iran-penetrates-africa/; Nahal Toosi and Natash Bertrand, *Officials: Iran Weighing Plot To Kill U.S. Ambassador To South Africa*, Politico (Sept. 13, 2020).

[246] *E.g.*, MTN Group, *et al.*, Letter Agreement § 2 (MTN Group "agreed to put in trust twenty-one (21) percent of Irancell Consortium before Bank Melli as trustee."); *id.* §3 ("MTN and Bank Melli shall be responsible for arranging project financing."), *republished in* MTN Group, Hoffmann Report, Appendices, 110.

[247] U.S. Dep't of State, *Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

[248] *Id*.

256. The Letter Agreement confirmed that MTN would play a leadership role in the Irancell joint venture. For example, Section 5.1 provided that IEDC always "require[d] the affirmative votes of MTN" for: (1) "Annual business plans and budgets of the Company, including, but not limited to, medium and long term financing;" (2) "Major acquisitions, partnerships, formation of joint ventures or consortiums;" (3) "Discontinuation of business activities;" (4) "Entering into any agreement with persons, individuals or entities that are directly or indirectly related to Non-Iranian or Iranian shareholders;" (5) "Profit appropriations and dividend policy;" and "Approval of the annual accounts."[249]

257. The Letter Agreement also confirmed that MTN would directly finance its co-venturers' participation in the Irancell joint venture. For instance, §7 of the Letter Agreement provided that the "cost and expenses incurred by Iranian shareholders [the Foundation for the Oppressed and IEI], if any, due to transfer of Irancell's share to MTN shall be compensated by MTN."[250] Section 9 of the Letter Agreement provided that such agreement would became "effective" when "MTN" had paid the Iranian shareholders' portion of the Irancell "license fee and equity."[251]

258. On September 19, 2005, MTN Group requested, and received, authorization for the acceptance of MTN Mauritius as the 49% foreign shareholder of Irancell,[252] "MTN signed a provisional shareholders' agreement," and Foundation VP "Mokhber, as chairman of the Board of Irancell, and" Alireza "Dezfouli as managing director" of Irancell "sent it the same day to Dr

[249] MTN Group, *et al.*, Letter Agreement § 5.1, *republished in* MTN Group, Hoffmann Report, Appendices, 111.

[250] *Id.*§ 7, *republished in* MTN Group, Hoffmann Report, Appendices, 111.

[251] *Id.* § 9, *republished in* MTN Group, Hoffmann Report, Appendices, 111-12.

[252] MTN Group, Hoffmann Report, ¶131.

[Masoum] Fardis (the Irancell tender project manager at MCIT), and "ask[ed] for 'the acceptance of MTN International as the 49% shareholder and foreign shareholder in Irancell.'"[253] MCIT, through Dr. Fardis, promptly accepted the letter.[254]

259. Under the deal agreements, MTN holds a 49% share in Irancell. Via MTN Mauritius, MTN contributed both the license fee (€300 million) and both its own and IEDC's outstanding share capital ($173.9 million, consisting of IEDC's capital share of $88.7 million and MTN's share of $85.2 million). The share capital was denominated in U.S. dollars (USD) and was effected by MTN Mauritius instructing Standard Bank Mauritius to transfer $173.9 million in USD to a USD account at Iran's Bank Melli for the benefit of Irancell.[255] Although formally made by MTN Mauritius, those payments were authorized in writing by MTN Group CFO Nisbet.[256]

260. Underscoring the extraordinary and illicit nature of the Letter Agreement are the circumstances of its execution. An MTN executive who attended the signing later testified that Mahmoudzadeh—who was head of IEDC and IEI, which would shortly be designated by both the U.S. and the European Union for proliferation of weapons of mass destruction—insisted on this provision as condition to MTN's participation in the deal, reminding MTN's CEO that "we got you as MTN into this license on the basis of a promise you made, that you would support us on defense matters…. you, MTN, came to us and you said you can do this. So you can't now tell us you can't do these things." Warned that the Iranians would not proceed with the agreement unless "MTN has committed themselves [sic] [on] defense, security and political issues,"

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[253] *Id.*

[254] *Id.*

[255] *Id.*, Section 4.7.1.

[256] *Id.*, Section 4.7.1.

Defendant Nhleko on behalf MTN Group signed the agreement, which remains in effect today.[257] Mahmoudzadeh then took the signed document and locked it in safe, refusing to provide MTN with a copy.

261. MTN Group, Nhleko, and Charnley, and MTN's "Iranian shareholder[]" joint venture partners went to great lengths to keep the Security Cooperation Agreement a secret. The Security Cooperation Agreement was a "close hold" document at MTN Group and was only known to a select group of senior MTN Group executives because MTN understood that it memorialized an obviously illegal scheme between MTN Group and two fronts for the IRGC.

262. These events confirm MTN's contemporaneous understanding, set forth in a memo from Nhleko to Charnley and a small group of MTN officers, that Iran (referred to as "Snooker" even in confidential internal documents) was "not a normal country," and that "a conventional mindset, orthodox financial and operational approach to this project is unlikely to provide us with an outcome" that would justify "an investment of over €400 million [license fee and working capital] into Snooker," making it "imperative to think laterally on how we can secure the investment, [and] attain financial and operational control."[258]

263. During October 2005 and November 2005, MTN Group finalized the joint venture partnership in Irancell. A sticking point, according to Defendants, was "the funding of

[257] MTN Group's own internal report on the circumstances of the Irancell transaction attribute the September 18, 2005 agreement committing to "defense" and "security" cooperation to "MTN," which the report defines to mean "MTN Group Ltd." Hoffman Report ¶1

[258] MTN Group, *Overview and Way Forward - Project Snooker*, Strictly Confidential Memorandum from Phuthuma Nhleko to Sifiso Dabengwa, Rob Nisbet, Irene Charnley, Paul Norman, and Chris Kilowan,1-4 (Sept. 21, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 87-90. Nhleko's memorandum is attached as Exhibit C.

the company [Irancell] and . . . loans which MTN was willing to make to [its] Iranian partners to enable them to subscribe for their shares."[259]

264. On October 4, 2005, Kilowan sent Nhleko a memo that presciently warned about a multitude of severe risks that MTN deliberately ignored while pursuing its Irancell joint venture.[260] Among other things, Kilowan warned MTN Group and Nhleko that MTN's negotiators had an "incomplete, and sometimes a somewhat romanticized, understanding of the social, political and personal factors that drive our negotiating partners [the Foundation for the Oppressed and IEI]"; that the Foundation and IEI were unlikely" to commit to any agreements that tie them down to behave in a commercially acceptable manner" and would "have very little hesitation in breaching" such agreements; and that "the primary reason why they have shifted to MTN [from Turkcell] is because they have concluded that ***we are desperate enough for this licence that we will give anything***" to get it."[261]

265. MTN later mocked Kilowan as a "Cassandra" for offering these warnings—but like Cassandra, Kilowan was correct. As subsequent events proved, Defendants were willing to "give anything" to enter the Irancell venture—including funding IRGC and Hizballah terrorism, violating U.S. sanctions laws to procure embargoed equipment, and directly assisting in IRGC "security" operations.

[259] MTN Group, Hoffmann Report, ¶134.

[260] MTN Group, Memorandum from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), *quoted in* MTN Group, Hoffmann Report, ¶136.

[261] *Id.* (emphasis added).

III. Through Irancell, Defendants Financed, Supplied, And Directly Supported Terrorist Attacks Targeting The United States, Including The Attacks Against Plaintiffs

266. To win and then keep their lucrative position in Irancell, Defendants willingly discharged their obligation to support IRGC and Hizballah "security" operations by funding the IRGC-QF-backed attacks targeting the United States that were planned, authorized, and regularly jointly committed by Hizballah and a local Hizballah proxy, including JAM in Iraq; funding their joint venture partner IEI's production and acquisition of the weapons used in those IRGC-sponsored attacks; procuring embargoed U.S. and other technologies that enhanced the operational capabilities of the IRGC and its proxies; and directly assisting the IRGC with electronic surveillance and tracking of U.S. forces.

267. The United States has determined that one of the core tenets of American counterterrorism policy is the empirical recognition that "[b]usinesses" like MTN that "provide material support to foreign terrorist organizations place the lives and safety of U.S. citizens at risk" because FTOs that "target U.S. nationals living at home and abroad for terror attacks … often cannot carry out their operations [*i.e.*, attacks] without assistance from foreign companies and financial networks."[262]

268. MTN's assistance to the attacks committed by Hezbollah and Jaysh al-Mahdi was especially lethal because of the outsized impact that state sponsors like Iran played on the effectiveness of their proxies. On September 1, 2006, for example, America's *National Strategy for Combating Terrorism* as published by the White House confirmed that "State sponsors are a critical resource for our terrorist enemies, often providing funds, weapons, training, safe passage,

[262] U.S. Dep't of Justice, *Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime*, 3 (May 12, 2025).

and sanctuary" and the Iranian regime used "its Islamic Revolutionary Guard Corps" to help "the regime in Tehran plans terrorist operations and support[] groups such as Lebanese Hizballah, Hamas, and Palestine Islamic Jihad (PIJ)." On February 29, 2008, likewise, FATF reported that "state sponsors continue to represent crucial sources of support for terrorist organisations today" because such state "support of terrorist organisations" was "important in how terrorists move and use finance, in addition to their role in raising terrorist funds."

269. Iranian assistance made the difference between proxies' ability to successfully conduct terrorist attacks. As State reported on September 17, 2020, "terrorist groups such as Hizballah" have "frequently received from the IRGC-QF the training, weapons, and financing needed to conduct acts of terrorism."

270. The Executive branch has repeatedly confirmed that Iran's support to Jaysh al-Mahdi, including through Hizballah, was essential to Hizballah's and Jaysh al-Mahdi's attacks targeting the United States in Iraq. On March 25, 2009, for example, DoD reported to Congress that "Iranian-sponsored Shi'a militant groups, Asa'ib Al-Haq (AAH), Ketaib Hezbollah (KH), and unaligned Shi'a extremists, including the newly-formed Promised Day Brigade" were a "threat" because "Iran continues to host, train, fund, arm, and guide militant groups that seek to bleed the U.S. in Iraq." On July 23, 2009, likewise, DoD reported to Congress that "Iran continues to … host, train, fund, arm, and guide Shi'a militant groups, including Asa'ib Ahl-Haqq, Kata'ib Hizballah, and Muqtada al-Sadr's new militia, the Promised Day Brigade, that attack U.S. forces in Iraq." On April 8, 2019, similarly, State reported that the "Iranian regime is responsible for the deaths of at least 603 American service members in Iraq since 2003."

271. From 2004 through 2013, MTN Group accomplished its terrorist partnerships in Iran through at least five distinct channels of collaboration with terrorists that flowed meaningful

aid to attacks by the IRGC, Hizballah, and their proxies. At all relevant times, and for each lane of support, MTN transferred significant aid to attacks sponsored by the IRGC through channels that were highly culpable and means that were departed from both normal customs and practice of multinational firms in the telecoms and communications sectors (which MTN generally defiled as a matter of corporate strategy), and even from MTN Group's own practices in other core MTN geographies, *e.g.*, South Africa. Each factor comprised a significant, and independent, way that MTN Group and MTN Mauritius empowered the Terrorist Sponsors' attacks.

272. *First*, MTN Group agreed to **serve as agent for the Foundation for the Oppressed and IEI** and, through the Foundation and IEI, the IRGC and Hizballah. MTN Group agreed to such an agency role on September 18, 2005, when it executed a Letter Agreement between MTN Group—on behalf of itself, as well as MTN Mauritius, and all other MTN entities—and the Foundation and IEI (and, through them, the IRGC and Hizballah) by sending Nhleko to Tehran, Iran, where he personally executed the Letter Agreement on behalf of MTN Group, MTN Mauritius, and all other MTN entities. MTN Group promised the Foundation and IEI, *inter alia*: "The cooperation between MTN and Iranian shareholders should be in the line of defensive, security and political cooperation."[263] Since 2005, as discussed below, MTN Group and MTN Mauritius have always faithfully served as the Foundation's and IEI's agents while knowing that the ultimate intended beneficiary of such role were not people, but events—terrorist attacks sponsored by Ayatollah Khamenei, the IRGC and Hizballah for which such terrorists relied upon the Foundation and IEI.

273. *Second*, MTN Group powered MTN's **Irancell joint venture partnership with notorious IRGC and Hizballah fronts**. Through its Irancell joint venture, MTN Group aligned

[263] MTN Group, *et al.*, Letter Agreement § 8, *quoted in* MTN Group, Hoffmann Report, ¶39.

its (and MTN Mauritius's) interests with those of Ayatollah Khamenei, who was the ultimate decider of MTN's ability to realize profits from Iran from 2003 through 2025, and Khamenei's personal terrorist striking arms at the IRGC and Hizballah, who controlled the Foundation and IEI, and used the Foundation and IEI to source funds, arms, and logistics to enable attacks sponsored by Hizballah, the IRGC, and their Axis of Resistance proxies. Throughout, MTN sought, and eventually secured, a close partnership with such terrorist leaders and fronts by emphasizing that MTN Group, MTN Mauritius, and their identical C-Suites, recognized had a common interest with the Foundation for the Oppressed, IEI, IEDC, and Irancell in all aspects relating to MTN's telecommunications, digital, and financial services with such Iranian shareholders. Since 2005, MTN Group and its subsidiaries, via Irancell, have conspired with the IRGC's weapons manufacturer (IEI) and the Ayatollah's prolific terror-financing vehicle (the Foundation for the Oppressed) to obtain embargoed dual-use U.S. equipment and services, and to provide this lethal aid, along with billions of U.S. dollars in direct and indirect funding, to the Terrorist Sponsors in violation of U.S. sanctions. Much of this aid predictably flowed to Iran's Axis of Resistance proxies to enable their terrorist attacks.

274. *Third*, MTN Group supplied **valuable "off books" services to the IRGC and Hizballah** through MTN's relationships with the terrorist fronts and leaders alleged herein, meaning, aid to the terrorists that was opportunistic by MTN Group and not tethered to any specific contractual obligation, but just the sort of thing good partners, like MTN and its Iranian shareholder allies, do for one another. MTN Group and MTN Mauritius accomplished such off-books aid through an array of means. For example, MTN Group supplied vital business network, strategic communications, and technical assistance to Irancell that was the but-for cause of potent new deals by Irancell that helped the IRGC and Hizballah (through their intimate connections to

it) extract greater funds, arms, recruits, and intelligence from Irancell and its Iranian shareholders. MTN Group connected IRGC logisticians to South African military firms, including one that made military-grade UAVs. Equally important, MTN directly supplied the imprimatur of MTN's valuable branding and social media to bolster notorious IRGC fronts (including the Foundation, IEI, Irancell, IEDC, and Iran Internet Group), IRGC and Hizballah front charities (including Imam Khomeini Relief), IRGC-directed fundraising campaigns (including Holy Defense week) that financed IRGC and Hizballah attack-related martyr payments to terrorist operatives and their families, and IRGC recruitment targeting children and adults alike.

275. *Fourth*, MTN Group paid **bribes of U.S. dollars, U.S.-origin sanctioned free goods, diamonds, and gold**, among other means to MTN's Iranian partners and enablers. MTN Group (and sometimes MTN Mauritius) routed such bribes through sham consulting agreements, illicit sponsorship agreements that contained sanctions-busting clauses requiring the supply of U.S.-origin goods violative of U.S. antiterrorism control sanctions to IRGC fronts, purposefully unreasonable tax and dispute settlements that were designed to flow direct financial benefits to senior IRGC operations leaders or fronts, and deliberately below-market commercial terms on U.S.-dollar denominated facilities for MTN's Iranian partners that MTN intentionally departed from ordinary practices to supply another avenue for surreptitious value transfer from MTN to the Terrorist Sponsors.

276. *Fifth*, MTN Group enabled **direct operational and intelligence support to terrorist attacks** by the IRGC Intelligence Organization, IRGC Qods Force, and Hizballah that targeted regime enemies for kidnapping, torture, and murder. MTN did so by coordinating internet and cell tower shutdowns with the IRGC to facilitate such IRGC acts, by supplying

intelligence through Irancell and other channels to the IRGC-IO (which, in turn, supplied such information to the Qods Force and Hizballah), and by concealing evidence of the IRGC's attacks and MTN's role(s) therein.

277. Despite the substantial nature of Defendants' assistance to attacks committed or sponsored by Ayatollah Khamenei, the Foundation for the Oppressed, IRGC, Hizballah, and Supreme Leader's Office, Plaintiffs do not allege that Defendants' resources aided such attacks enabled by any IRGC or SLO component anywhere in the world. For example, the IRGC sometimes used the IRGC Navy to commit terrorist attacks targeting the United States, including hostage-taking attacks targeting U.S. Navy sailors. The IRGC generally funded the IRGC Navy, however, out of its public budgetary authorities, rather than its commercial front profits, which was due in part to the IRGC Navy's different, more public-facing posture. Accordingly, resources delivered to the Khamenei Cell did not have a major effect on IRGC Navy attacks targeting the United States.[264] Similarly, for operational reasons unique to South America, the IRGC and Hizballah financed attacks on that continent through local channels. The causal links alleged in this Complaint fit this operational pattern. Although Defendants' illicit transactions did not contribute to every IRGC, Foundation for the Oppressed, Hizballah, and SLO-sponsored attack in the world, they materially contributed to the attacks that killed or injured Plaintiffs in Iraq from 2006 through 2009.

278. Below, Plaintiffs outline the key events relevant to MTN Group's sponsorship of IRGC- and Hizballah-backed attacks through these five lanes of support described above.

[264] Plaintiffs' allegation has no impact on IRGC Commander Shamkhani's key role in sponsoring attacks. As Defendants knew, Shamkhani played a much broader role in the IRGC and MODAFL than his "Admiral" rank suggested, indeed, every quote from Shamkhani alleged herein concerns a weapons system that was primarily (if not exclusively) designed to be fired by IRGC and Hizballah operatives on land, rather than at sea.

A. Defendants Funneled More Than $1 Billion to Their IRGC and Hizballah Partners from 2006 through 2012, Knowing Those Funds Would Be Used in Terrorist Attacks

279. MTN's financial assistance to the terrorists began in 2004 with bribes to known terrorist operatives—including Hassan Rouhani, architect of the IRGC's alliance with al-Qaeda, and Ebrahim Mahmoudzadeh, President of IRGC armorer IEI—in the form of diamonds, gold, and U.S. dollar payments.

280. MTN's wholesale financial contributions to its IRGC-controlled partners began in 2005, when MTN Group instructed MTN Mauritius to pay USD $173.9 million in share capital to the joint venture, including "USD88.7 million" that went to IEDC—that is, to the Foundation and IEI—"to enable the IEDC to pay its share capital contribution of 51% to Irancell." [265] It then provided a €300 million loan to Irancell to pay the fee for the GSM license; U.S. dollar-denominated "bridge loans" totaling at least $500 million;[266] and massive amounts of "vendor financing." MTN documents confirm that by 2007, MTN had pumped $1.15 ***billion*** into Irancell and its owners.[267]

281. Beginning in 2006, Irancell's own operations generated massive cash flows for the IRGC and Hizballah through their control of Irancell's ultimate beneficial owners, including the Foundation for the Oppressed, IEI, and IEDC. After generating just $11 million in revenues in 2006, MTN generated $190 million in 2007, $607 million in 2008, and $916 million in 2009. It crossed the $1 billion threshold in 2010.[268] From 2006-2012, Irancell generated more than $6

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[265] *See* MTN Group, Hoffmann Report, KPMG Report, 17, *republished in* MTN Group, Hoffmann Report, Appendices, 216.

[266] MTN Group, *Irancell Investor Presentation*, 21 (May 5, 2008).

[267] *Id.*

[268] Amounts are calculated using MTN Group financial statements and public (including Iranian) sources, converted into USD at market exchange rates. Because Iran's official exchange rate

billion in revenues and ***$2.3 billion*** in EBITDA for its owners—51% of which flowed to IRGC fronts the Foundation for the Oppressed and IEI.

282. When Defendants fueled Irancell, Foundation for the Oppressed, and IEI profits, they directly financed IRGC- and Hizballah-backed attacks targeting the United States because Irancell profits were inextricably intertwined with IRGC- and Hizballah-backed attacks. Monies flowed from Irancell, the Foundation, and IEI to the IRGC and Hizballah via multiple channels.

283. First, the joint venture's profits flowed directly to its Iranian owners, the Foundation and IEI. The Foundation was, and at all relevant times was known to be, "used by the state as a proxy to ***fund off-the-books IRGC operations***" (that is, terrorist attacks).[269] IEI was the IRGC's primary source of electronic weapons systems and weapons systems components used by the IRGC-QF, Hizballah, and their proxies in terrorist attacks. It is a direct subsidiary of MODAFL, the ministry tasked since 1989 with equipping and logistically supporting IRGC terrorist operations. Thus, Irancell profits, driven by MTN's capital investments, technical and technological contributions, and operational know-how, flowed directly through MTN's Iranian partners into the IRGC's terrorist operations. The hundreds of millions of dollars that flowed into the IRGC's terrorist operations and weapons production capabilities via the Foundation and IEI were enough to fund and equip every attack alleged in this case hundreds of times over.

284. The IRGC has admitted that Irancell's profits fueled terrorist attacks. In 2014, for example, IRGC-controlled media outlet ICTNA documented how Irancell supported IRGC-sponsored "resistance" as part of Irancell's "social responsibility" efforts because, Irancell's "development … will make some of the objectives pursued by the resistive economy come true"

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often differs from market rates, revenues reported by Iranian publications frequently vary from those reported by MTN and the Western media.

[269] Alfoneh, *How Intertwined*, *supra*.

including by promoting, *inter alia*, "[r]esistance against the threatening elements," *i.e.*, terrorism targeting the United States, "Safety of the strategic … goods" (*i.e.*, the IRGC's and Hizballah's weapons stockpiles), "and cooperation with Imam Khomeini Relief Foundation were among other measures taken by Irancell for fulfilling its social responsibilities."[270]

285. Second, the IRGC directly received cash flows from Irancell, the Foundation, and IEI under the **Logistics Policy Directive**, an official Iranian government policy enacted in 2003 in response to the U.S. military presence in Iraq and Afghanistan. The LPD dictates that the IRGC must dedicate the profits earned from its commercial activities to IRGC operations—that is, to terrorist attacks. The funding provided to the IRGC (and, through the IRGC, to Hizballah) under the Logistics Policy Directive was directed overwhelmingly to sponsoring attacks directed by the Qods Force, Hizballah, and their proxies. As one senior IRGC operative admitted in an audio file leaked to Iranian media, "Ali Khamenei had ordered that the main goal" of IRGC-controlled companies "should be to help the IRGC Quds Force and accordingly, 90% of the financial resources" should flow to terrorist operations.

286. MTN knew about the Logistics Policy Directive, which was a public regulation that would have been discovered in MTN's due diligence for the Irancell venture and was discussed in both Iranian and Western media. In 2007, for example, Ali Alfoneh, of the American Enterprise Institute, publicly warned about the Directive, which he explained was intended to help the IRGC "purchase and upgrade equipment for the Revolutionary Guards and fund its other activities," *i.e.*, IRGC-sponsored acts of terrorism targeting the United States.[271] Similar warnings were published in later years.

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[270] Alireza Dezfouli, *quoted in* ICTNA, *Irancell Brings 4G to Iran* (Nov. 22, 2014), https://www.ictna.ir/id/065513/.

[271] Alfoneh, *How Intertwined*, *supra*.

287. Third, from 1979 through the present, the Terrorist Sponsors have also relied upon **mandatory donations (*khums*)** comprising 20% of all income, which has flowed up to Khamenei and then back down to the Khamenei Cell and, through the Khamenei Cell, to Iran's proxies to finance terrorist attacks. Shiite theological traditions call for donations (*khums*), usually equal to 20% of a person's income on every transaction, to support the cause. Pursuant to governing IRGC and Hizballah doctrine, the IRGC emphasizes the need to consistently collect donations (or taxes) as something that is universally required from all profit-generating activities and transactions—without exception—including, but not limited to, profits generated through official business, criminal rackets, bribery and kickbacks, and a broad array of other illicit cash flow schemes. The IRGC's "no exceptions" rule ensures that the terrorists have an administratively simple scheme analogous to a terrorist flat tax.

288. IRGC practices, policies, and procedures—including, but not limited to, the Logistics Policy Directive and *khums*—ensured that monies flowing from Irancell to IEI were programmatically reinvested back into the Terrorist Sponsors' priority IEI-manufactured weapons, including missiles, rockets, UAVs, RPGs, small arms, communications technologies, and other key weapons systems. Accordingly, Defendants fueled profits that helped IEI make more weapons, invest in necessary arms-related research, and finance more, and better, weapons maintenance, *e.g.*, weapons upkeep in the field, and logistics sustainment, *e.g.*, arms supply chains, which materially strengthened the lethality of each Hizballah- and IRGC-sponsored attack targeting the United States in which such FTOs, or their proxies, used IEI-manufactured weapons, including such attacks against Plaintiffs.

289. From at least 2007 through 2012, MTN's Irancell joint venture with the Foundation for the Oppressed and IEI comprised one of the largest funding sources for IRGC

and Hizballah attacks—and was definitively the single largest source of non-Iranian financial support for such attacks. From 2007 through 2012, Irancell profits directly financed well over $100 million per year of Hizballah attacks in the Middle East that were sponsored by the IRGC—enough to fund every attack against Plaintiffs in Iraq hundreds of times.

290. Detailed analyses have confirmed the gist of Plaintiffs' allegations. In 2025, for example, *National Security News* reported that "Irancell's profitable partnership with MTN" meant that "the same [IRGC] networks" that controlled Irancell "generate[d] billions of dollars that pay for the assassins' training, travel, and weapons" through "a self-reinforcing system: surveillance feeds targeting, and revenue feeds operations" because

> [T]he profits from Irancell's success … have helped fund Iran's security operations. ***During its rapid growth, Irancell has become one of the most valuable cash cows for the Iranian regime. According to a credible IRGC defector, Irancell is the "largest or second-largest source of cash flow" among all IRGC front companies, funnelling about $500 million per year to the IRGC for its terror operations – over $10 billion during the term of the MTN-Irancell joint venture.*** These funds, collected from millions of Iranians' phone bills and data top-ups, bolstered the IRGC's budget just as it was expanding its activities abroad from 2005 onwards. Notably, that was the period when the IRGC (through its Qods Force) armed and directed proxy militias in Iraq and Afghanistan.[272]

291. Indeed, MTN Group has effectively admitted the same premise. In 2011, for example, MTN Group admitted that, with respect to MTN Group's "[e]xposure to high risk countries"—which MTN always defined in the same reports to include Iran—"MTN" was

[272] National Security News, *Tehran's Digital Platform For Terrorism: How MTN-Irancell Enables Iran's Plot To Assassinate President Trump* (June 30, 2025), https://nationalsecuritynews.com/2025/06/tehrans-digital-platform-for-terrorism-how-mtn-irancell-enables-irans-plot-to-assassinate-president-trump/.

"***usually the largest national taxpayer and/or employer.***"[273] In Iran, MTN (through Irancell) was almost certainly the largest or second largest corporate payer to the regime.

292. Terrorist scholars have also confirmed the point. In 2010, for example, two Iran scholars at the Foundation for Defense of Democracies concluded that any transaction with IRGC telecoms fronts necessarily fueled IRGC- and Hizballah-backed attacks given the tight nexus between IRGC commercial activity and violence by Axis proxies, and critically, played such role even when the commercial activity did not result in the IRGC or Qods Force directly obtaining any embargoed arms or technology:

> IRGC front companies … have stakes in telecommunications …. of which Iran is the largest manufacturer in the Middle East. … Many IRGC projects are military in nature, and the group ***diverts much of the technology and expertise it acquires*** from Western companies for seemingly innocuous projects to unsavory ends. … Any company that does business in Iran risks becoming an unwitting accomplice to the IRGC's nefarious activities … Yet ***even when*** companies provide services and technologies that cannot be diverted to illicit projects, partnering with the IRGC entails some complicity with its activities. In June 2006, [the head of an IRGC-owned company] ***confirmed*** in an interview with a local daily that the organization's ***funds finance various national defense projects, including arming and training Hezbollah***.[274]

293. In 2012, similarly, former Treasury counterterrorism official Avi Jorisch warned, in reference to "Irancell," that MTN Group had "a corporate responsibility to cease … colluding with a state sponsor of terror" because "Irancell" provided funds and resources through which

[273] MTN Group, *Integrated Business Report For The Year Ended 31 December 2010*, 12 (Mar. 2011) (emphasis added), https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2010.pdf.

[274] Mark Dubowitz & Emanuele Ottolenghi, *The Dangers Of Doing Business With Iran's Revolutionary Guards*, Forbes (June 15, 2010) (emphasis added).

"Iran and its proxies [] engaged in multiple acts of terror" and therefore MTN "[p]artner[ed] with a regime that uses mobile technology to … proliferate[] terrorism."[275]

294. Defendants' cash flows to known IRGC fronts directly facilitated Hizballah's and JAM's terrorist attacks on Americans in Iraq. Money is the lifeblood of terrorism. As a senior Treasury official testified to Congress, "While the financial cost of carrying out an individual terrorist attack can be quite low, recruiting, training and sustaining operatives, procuring weapons, and developing the infrastructure necessary to support these activities requires generating and moving substantial funds, often between distant locations."[276] Likewise, as a senior U.S. military officer has public explained, Iran was "foment[ing] … violence with support from commercial entities affiliated with the Islamic Revolutionary Guards Corps" and that "[w]hen you invest in Iran, you're investing in the IRGC. You might as well cut the Islamic Revolutionary Guards Corps a check and say, 'please use this to commit more murder across the Greater Middle East.'"[277] Moreover, the Department of Justice recently warned that "[i]llicit financial and logistical networks undermine our national security by enabling shadow-banking for and sanctions evasion by hostile nation-states and terror regimes."[278]

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[275] Avi Jorisch (Senior Fellow at the American Foreign Policy Council), *MTN Has No Business Aiding Terror In Iran; Allegations That SA Cellphone Company Helps Regime Persecute Opposition*, Sunday Times - South Africa (Mar. 25, 2012).

[276] Daniel Glaser, *quoted in* U.S. Dep't of Treas., *Testimony of A\S for Terrorist Financing Daniel L. Glaser Before The House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, and House Committee on Armed Services' Subcommittee on Emerging Threats and Capabilities* (June 9, 2016).

[277] Statement by Herbert Raymond McMaster, Lieutenant General, National Security Advisor to the President, United States of America (Video), Munich Security Conference 2018, at 23:30 (Question) and 28:15 (Iran-related part of answer) (Feb. 17, 2018), https://tinyurl.com/2j4ta49u.

[278] U.S. Dep't of Justice, *Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime*, 1-2 (May 12, 2025).

295. The United States has confirmed that "do[ing] business with Iran" meant doing business with the IRGC-QF, because "[a]t the end of the day," money flowing to Iran "flow[s] to" the IRGC-QF's commander and allows the IRGC "to run roughshod across the Middle East."[279] The IRGC, Ayatollah Khamenei and his Supreme Leader's Office, and the notorious terrorist front the Foundation for the Oppressed controlled and extracted profits from every link in the transaction chain from IRGC-controlled businesses, and each of those groups flowed profits through to fund attacks by the IRGC's terrorist proxies in Iraq, among other places.

296. The effect of MTN's industrial-scale financial assistance to the terrorists is amplified by the low cost of most terrorist attacks. Studies consistently confirmed that the cost of nearly all attacks in by terrorist groups in the Middle East in the post-9/11 era ranged from around $2,000 per attack to around $20,000 per attack—with most on the low end of that spectrum. IEDs, for example, usually cost around $100 per bomb. Generally, Hizballah fighters were paid around $200 per month, while leaders were paid around $400. Indeed, al-Qaida bragged in online publications in the early 2010s that it could conduct a sophisticated, transnational bombing targeting Americans for less than $5,000. As terrorism scholars Jessica Stern and J. M. Berger have explained:

> Asymmetrical warfare is defined by asymmetry. Any terrorist ideology that can attract five recruits and the contents of their checking accounts can make headlines for months. ***A terrorist group with twenty willing recruits and half a million dollars can make headlines for years.*** (Emphasis added.)[280]

297. At those rates, even a single transaction that flowed $5,000 to an IRGC proxy would have financed substantial terrorist violence. At the time, a $5,000 payment would have put

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[279] Secretary of State Mike Pompeo, *quoted in* Heritage Foundation, Transcript, *After the Deal: A New Iran Strategy* (May 21, 2018), https://tinyurl.com/bdnyw7up

[280] Jessica Stern and J. M. Berger, *ISIS: The State Of Terror*, at 191 (Ecco 2016).

10 terrorists (at $200 per fighter) and two commanders (at $400 per commander) in the field for a month, equipped with about 20 IEDs. Or terrorists could have spent the $5,000 to purchase dozens of bomb components or to finance multiple complex attacks. The cash flows that MTN's investments in Irancell enabled were orders of magnitude higher—and they materially strengthened the terrorists' ability to commit the attacks that killed and injured Plaintiffs.

298. United States counterterrorism policy has long recognized that some monetary sources are uniquely correlated with greater risk of terrorist attacks when illicitly supplied by a business to skilled terrorists. In 2006, for example, the United States *National Strategy for Combating Terrorism* explained that the "United States and our partners continue to take active and effective measures against our primary terrorist enemies" by "attacking these terrorists and their capacity to operate effectively" through "the use of all elements of national power, … denying or neutralizing what our terrorist enemies need to operate and survive," including:

> Funds, which provide the fungible, easily transportable means to secure all other forms of material support necessary to the survival and operation of terrorist organizations. Our enemies raise funds through a variety of means, including soliciting contributions from supporters; operating businesses, NGOs, and charitable fronts; and engaging in criminal activity such as fraud, extortion, and kidnapping for ransom. They transfer funds through several mechanisms, including the formal banking system, wire transfers, debit or "smart" cards, [and] cash couriers …. Effective disruption of funding sources and interdiction of transfer mechanisms can help our partners and us to starve terrorist networks of the material support they require.[281]

299. These concerns were at their peak when applied to Hizballah and the IRGC. For example, terrorism scholar Barak Seener has observed (in 2018) that "large IRGC companies … can receive capital and hard currency through its connections to publicly owned banks": "Rather than transfer the funds directly to terrorist proxies, the money could flow through the IRGC's

[281] White House, *National Strategy for Combating Terrorism*, 11-12 (Sept. 1, 2006).

construction arm, which can directly finance terrorism" and given the context in which, "[a]ccording to the U.S. Treasury, the IRGC uses" a large commercial enterprise "to 'generate income and fund[] its operations[],'" the "IRGC could also receive access to fungible assets by converting its unfrozen assets and revenue in a foreign currency enabling IRGC officials and IRGC linked entities with the ability to move its money anywhere in the world" and increase the IRGC's ability "to financially sponsor terrorism" by "increasing its financial support" to "Hizbullah" in a manner that is inextricably connected to terrorist violence: "Chairman of the Joint Chiefs Gen. Joseph Dunford" has "asserted that the more access the Iranian military has to money, 'the more effective they'll be in spreading malign influence.'"[282]

300. Moreover, Irancell's unique structure ensured a tight nexus between Defendants' conduct and IRGC-sponsored terrorist attacks. The IRGC always embedded IRGC operatives and supporters, including IRGC-IO operatives, throughout Irancell's corporate structure, including its headquarters in Tehran. Such IRGC-IO embeds ensured the Qods Force's and Hizballah's ability to extract maximum financial, operational, intelligence, and logistical value from their ultimate control of Irancell. MTN, which always had personnel working in Irancell's headquarters, knew of and facilitated the IRGC's involvement in its operations.

301. MTN's conduct also funded the Terrorist Sponsors' attack-specific payments. Because U.S. dollars were particularly valuable for terrorist operations, Iran's proxies depended on access to the international financial system to finance every aspect of their lethal attacks, and Iran's Terrorist Sponsors facilitated that access through their commercial fronts and banks. Such Iranian dollars have supplied the logistical spine for Axis proxies upon which their attacks relied.

[282] Barak Seener (Jerusalem Center for Public Affairs), *Commercial Risks Entering the Iranian Market: Why sanctions make investment in the Islamic Republic of Iran a high-risk proposition*, Jerusalem Center for Public Affairs, 19-20 (2018).

302. Throughout the relevant period, the Foundation for the Oppressed, SLO, and Irancell profits fueled by MTN funded at least five distinct types of **attack payments** to the IRGC, Hizballah, and Axis proxy terrorists that enabled attacks, including, but not limited to, the following. *First*, MTN's conduct financed **salary payments** that funded attack-related operations, intelligence, logistics, and leadership cell operatives, including Khamenei Cell members. *Second*, MTN's conduct financed **martyr payments** to the families of terrorist martyrs when an attacker died (*i.e.*, was "martyred"), which were made to reward attacks and incentivize future attacks. *Third*, MTN's conduct financed **bounty payments** made to terrorist operatives for successful attacks and calibrated to especially promote such attacks through larger bounties awarded for successful attacks killing, injuring, or capturing a U.S. victim as compared to non-U.S.-victims. *Fourth*, MTN's conduct funded **disability payments** to terrorist operatives, and their families, if such operatives were injured while supporting a terrorist attack, which often cost at least several thousand U.S. dollars per year. *Fifth*, MTN's conduct funded **orphan payments** to the caretakers of the children of terrorist operatives who were killed while supporting a terrorist attack, which were made to reward and incentivize terrorist attacks by ensuring that the operative's child will be looked after by the terrorist group, as well as to enable recruitment of child terrorists by Iran's proxies.

303. From 2006 through 2011, the Terrorist Sponsors' unique structures rendered concerns about fungibility irrelevant. The types of assistance Defendants supplied to the attacks by Hizballah and JAM against Plaintiffs, and nature of Hizballah and the IRGC as recipients (directly, and through their fronts, the Foundation and IEI), ensured that Defendants' assistance reached the Hizballah and JAM operations cells and leaders in Iraq—and Hizballah's and JAM's associated cells in Iran, Lebanon, and Syria—who committed, planned, and authorized

Hizballah's and JAM's attacks in Iraq from 2006 through 2011 that killed and maimed Plaintiffs. The Terrorist Sponsors organized a massive transnational revenue collection and relocation system through which the Terrorist Sponsors ensured that a fixed, measurable, percent of all revenue would directly flow to their most important priority of attacking the United States to export the revolution. revenue recycling with MODAFL and IEI to leverage their superior economies of scale to build more MODAFL and IEI-made weapons, and the Foundation for the Oppressed's key role financing and processing operations-related, attack-incentivizing payments through its commercial profits. The Terrorist Sponsors' structural mechanisms ensured that Defendants' assistance directly flowed to Iranian proxy attacks in Iraq committed by Hizballah and Jaysh al-Mahdi for which Ayatollah Khamenei, the IRGC, SLO, Foundation for the Oppressed, and IEI provided vital, direct, aid to Hizballah and Jaysh al-Mahdi that made their attacks larger, more frequent, and more effective, which provided vital aid to Hizballah's and JAM's attacks that killed hundreds of Americans and maimed thousands more, including Plaintiffs and their loved ones. with a substantial amount of such terrorists' Iraq-related funds, arms, intelligence, and recruits supplied by the IRGC. committed or sponsored by Hizballah

304. For at least four reasons, Defendants' assistance to Hizballah and JAM attacks targeting the United States in Iraq from 2006-2011 through MTN's joint venture partnership with the Foundation for the Oppressed and Iran Electronics Industries did ***not*** depend on the fungibility of Defendants' aid to such attacks through Irancell.

305. *First*, from 2003 through 2011, the **Logistics Policy Directive** ensured that a fixed percentage comprising at least half of all IRGC and MODAFL commercial profits were specifically earmarked for the IRGC's operations (*i.e.*, attack) budgets, and the IRGC's and MODAFL's weapons budgets—and, necessarily therefore, Hizballah's operations budgets and

weapons budgets because at least 70% of all Hizballah's operations and weapons funds came from Ayatollah Khamenei, the Foundation for the Oppressed, the IRGC, and the SLO. From 2006 through 2011, when every Plaintiff was attacked, the IRGC, MODAFL, and IEI zealously complied with the Logistics Policy Directive, which ensured that the IRGC's and Hizballah's fixed percentage of Defendants' Irancell-related profits for the IRGC and MODAFL were programmatically redirected back to aid attacks by the IRGC and Hizballah through supplying their operations (attack) and weapons budgets.

306. Based on credible public statements by the IRGC, MODAFL, and IEI, analyses published by Iran scholars, and reports from journalists inside Iran, that flow-through percentage was more than one-half (*i.e.*, 50%+). Simply put, the Terrorist Sponsors' rigorous enforcement of the Logistics Policy Directive meant that ***most*** of the Foundation's and IEI's historic Irancell profits generated from 2006-2013 by Defendants that flowed to the Foundation and IEI's 51% Irancell directly, inextricably, and inevitably assisted Hizballah and Jaysh al-Mahdi attacks targeting the United States in Iraq through the Terrorist Sponsors' operation of the Logistics Policy Directive as a terrorist tactic, technique, and procedure that was unique to Hizballah, the IRGC, and Jaysh al-Mahdi from 2006 through 2013.[283] Given such math, the normal course

[283] The Supreme Leader and his most lethal security arms (IRGC-Hizballah), operated a mafia-like top-to-bottom collection system to systematically identify, value, and extract 20% of all profits generated by a follower of the Leader or security services, which payments were mandatory, programmatic, and analogous to a terrorist flat tax (*khums*). Even that 20% payment approach remains the minority approach amongst all FTOs because it requires enormous infrastructure that most FTOs lack. However, even amongst the world's most sophisticated FTOs from 2000 through 2013, Hizballah and Jaysh al-Mahdi were the only other terrorist organizations that had a similar rule or practice, *i.e.*, a second mechanism for extracting enormous funds for violence that sat on top of the 20% supplied by khums. Accordingly, the Terrorist Sponsors' leveraging of the Logistics Policy Directive was unique to the IRGC, Hizballah, and Jaysh al-Mahdi. Aside from Hizballah, the IRGC, and JAM, Plaintiffs are not aware of any other terrorist group in the world from 2000 through 2013 that had an order,

application of the Logistics Policy Directive meant that more than one-quarter (25%+) of all Irancell profits that Defendants generated for the Foundation and IEI from 2006 through 2011 directly financed IRGC (and, by implication Hizballah) operations by paying the terrorists doing the killing and supplying the weapons Hizballah (and, through Hizballah, JAM) used to attack the United States in Iraq. At those rates, Defendants likely routed at least several hundred million to attacks by Hizballah and its proxies that were funded by Foundation for the Oppressed profits and armed by IEI profits. By almost any metric, Defendants were likely the Number 1 Overall financial donor to Hizballah and the IRGC from 2006 through 2011. Indeed, Irancell was a cash cow that was unique for Iran (no other consumer businesses reliably generated cash flow the way Irancell could for the Terrorist Sponsors).

307. *Second*, the IRGC's, SLO's, and Foundation for the Oppressed's custom and practice of **mandatory 20% *khums* payments to the Terrorist Sponsors** from all IRGC and Hizballah members (no one retires) and fronts (including the Foundation, IEI, Irancell, and IEDC) equal to at least twenty percent (20%) of such person's income received from every profit-making transaction. Under the Terrorist Sponsors' *khums*-related custom and practice, and tactics, techniques, and procedures, IRGC and Hizballah persons ordinarily paid 20% of all earnings from all transactions to Ayatollah Khamenei through, *inter alia*, the Foundation for the Oppressed and Supreme Leader's Office, which collected khums and re-deployed them to Hizballah and the Qods Force consistent with Khamenei's long-standing practice to use such khums to fund attacks. The Terrorist Sponsors' programmatic use of *khums* to supply vital funds to attacks by Hizballah from 2006 through 2011 meant that Defendants always knew that a

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regulation, or practice that was substantially similar to how the role the Directive played for the Terrorist Sponsors.

substantial percentage of the Irancell cash flow they created necessarily financed attacks by Hizballah and JAM as a Hizballah proxy because Defendants always knew—and it was always true that—20% of Defendants' Iranian partners' profits ineluctably flowed to the terrorist operations leader who served as Supreme Commander of Hizballah, Supreme Commander of the IRGC, and Supreme Leader of the Islamic Revolution—Ayatollah Ali Khamenei. Accordingly, while the use cases for other sources of money may be indeterminate, when the recipient is Khamenei, the most likely use was always anti-American terrorism, because that was always Khamenei's top overall desire to expel the United States from the Middle East.

308. *Third*, Defendants' funds predictably flowed to Hizballah and JAM attacks while simultaneously financing far more Hizballah and |JAM violence by improving the terrorists' financial "spend" efficiency because the Terrorist Sponsors used the **Foundation and IEI to supply turnkey support to attacks by Hizballah**. Accordingly, Defendants' assistance to attacks by Hizballah and the IRGC through the Foundation and IEI was not watered down when it reached Hizballah and JAM by virtue of the presence of intermediaries who drive up the cost through their need to receive a slice, in effect. The Terrorist Sponsors (and by extension JAM given its intertwinement with Hizballah) therefore experienced radically more efficient attack economics because the Terrorist Sponsors did not have to lose a significant portion of the profits they intended to use to find attacks to intermediaries. By radically scaling down Hizballah's and the IRGC's transaction costs through the power of efficiency achieved by financing the very operations and arms-manufacturing arms that enabled such attacks (*i.e.*, the Foundation and IEI), Defendants' scheme supplied Hizballah and JAM a wholesale Costco-for-Terrorists level of price savings resulting from Defendants serving as Irancell joint venture partners with the

Terrorist Sponsors' wholesale solution to operations payments (the Foundation for the Oppressed) and weapons (IEI).

309. Defendants' commercial profits directly armed Hizballah and JAM through the IRGC's control of MODAFL and IEI, and use of the windfall cash flows Defendants created to power IEI as Iran's high-tech weapons monopoly through which the Terrorist Sponsors supplied weapons, or components, for every Hizballah attack type and weapon type used against Plaintiffs in Iraq from 2006 through 2011. Like the Foundation for the Oppressed, Defendants' key role in Hizballah and JAM attacks against Plaintiffs through IEI did not depend on fungibility because IEI was simultaneously the recipient of Defendants' material support while a core component of the operations architecture with specific responsibility for the Terrorist Sponsors' weapons. In 2008, for example, Judge Lamberth found that the "IRGC actively supports terrorism as a means of protecting the Islamic revolution that brought the Ayatollah to power," which attacks the IRGC financed through the IRGC's "***own separate funding sources***"—one of which was the IRGC's financial empire "derived in part from its confiscation of the assets of the former Shah of Iran in 1979, when the Shah was deposed"—*i.e.*, the Foundation for the Oppressed. *Rimkus v. Islamic Republic of Iran, et al.*, 575 F. Supp. 2d 181, 187 (D.D.C. 2008) (findings of fact).

310. Accordingly, when Defendants generated windfall Irancell profits for the IRGC, MODAFL, and IEI while, simultaneously, Irancell, the IRGC, MODAFL, and IEI relied upon their commercial revenues and profits, Defendants supplied key weapons, computing, communications, or intelligence to the Terrorist Sponsors that Hizballah and the IRGC necessarily would have used under the Terrorist Sponsors' custom an practice, and tactics, techniques, and procedures, for an attack targeting the United States.

311. *Fourth*, Defendants **broad cross-cutting support** to IRGC-sponsored attacks in the Middle East, including Hizballah attacks in Iraq. MTN supplied vital technical aid and services to Hizballah's and JAM's attacks that were not fungible. For example, Defendants helped the IRGC and Hizballah (through the Foundation and IEI) counter (and defeat) the application of U.S. antiterrorism controls against Irancell when MTN (including through dual-hatted MTN Group/Irancell technical, financial, marketing, and operations employees) led Irancell's efforts to acquire sanctioned, U.S.-origin, military-grade computers, servers, communications technologies, and software, which directly increased the pace, effectiveness, and lethality of Hizballah's terrorist attacks targeting the United States, including Hizballah hostage-taking attacks targeting U.S. civilians in the Middle East, and Hizballah's attacks targeting American service members in eastern Iraq, among other places.

312. Hizballah closely leveraged IRGC-QF and IRGC-IO resources for such attacks to optimize the terrorists' pre-attack analytic, intelligence, targeting, and planning to maximize the chances of a successful terrorist attack, including attacks against Plaintiffs. For example, Hizballah and JAM relied upon such assistance to successfully execute hostage-taking attacks targeting the United States in Iraq, including Hizballah's and JAM's joint hostage-taking attacks against Michael Chand Sr., Joshua Munns, Paul Johnson-Reuben, Jonathon Coté, Ronnie Withrow, and John Young, many of whose loved ones and estates are Plaintiffs. Similarly, Hizballah and JAM relied upon such IRGC assistance to successfully execute complex roadside bomb, rocket, and ambush attacks in eastern Iraqi geographies near the Iranian border, including Hizballah's and JAM's joint EFP attack on December 9, 2007 in Wasit, Iraq, which killed Michael Doheny, Steven Evrard, and Micah Shaw, whose loved ones are Plaintiffs, and severely injured Plaintiff Billy Johnson.

313. MTN also provided broad, cross-cutting support to attacks by Hizballah and JAM in Iraq through MTN's practice of effectively seconding MTN Group-affiliated persons to IRGC "security" operatives, investigations, investigative requests, and intelligence support demanded by the IRGC under its "security" agenda of targeting the United States. MTN did so by providing the IRGC—necessarily including the IRGC-QF given is intelligence function—bespoke technical, communications, analytical, and scientific services that were contrary to MTN's normal practice (*e.g.*, MTN South Africa's approach) and illegal under U.S. law given the sanctions against Iran and the IRGC, among other grounds. When MTN did so, it supplied IRGC-QF, IRGC-IO, and Hizballah terrorists bespoke, direct, and potent services that helped them execute Hizballah-led proxy attacks in the Middle East, including Iraq, by receiving invaluable attack planning assistance from Defendants that was tailored to each attack. For example, dual-hatted MTN Group officer, director, or employee Alireza Dezfouli—who was both a member of MTN Group's Executive Committee member and Irancell's CEO—directly assisted IRGC-IO operatives who sought bespoke support from Irancell as the IRGC targeted regime enemies, including Americans, for kidnapping as part of the IRGC's (and, now, Irancell's) longstanding embrace of so-called "hostage diplomacy," which MTN Group always enabled when a member of its Executive Committee literally helped the IRGC gather pre-attack intelligence to better plan its hostage-taking attempts.

314. Terrorism scholars confirmed that Foundation for the Oppressed profits funded attacks by JAM in Iraq, including Jaysh al-Mahdi Special Groups AAH and Kataib Hezbollah. On November 2, 2016, for example, Professor Ali Ansari, of the University of Saint Andrews, observed that, "Iranian officials …. managed to extend their power in" key Middle Eastern "regions rather efficiently" as they did "in Iraq," where the Iranian regime "moved in, first,

through various charitable organisations" – i.e., IRGC-controlled bonyads, the largest of which was the Foundation for the Oppressed – "and then through the IRGC, with what we would effectively call seed money to get things going." In 2018, for likewise, Nader Uskowi – who served in Iraq as Senior Civilian Policy Advisor to U.S. Central Command in Iraq – reported that "commercial companies" that were "own[ed]" by the "Mostazafan Foundation" and supplied "funding for its significant … efforts in Iraq, including financing operations and military equipment for some of the largest Shia militia groups in" Iraq were derived from the: (1) "[t]he foundations controlled by the IRGC and the Office of the Supreme Leader"; and (2) the "IRGC," which "also provide[d] the Quds Force with off-budget funding from the revenues of its own business enterprises inside Iran, which include companies in major economic sectors, including … telecommunications."

315. Media reports also confirmed that Foundation for the Oppressed profits funded IRGC Shiite terrorist proxies in Iraq, including JAM Special Group Kataib Hezbollah. On July 20, 2009, for example, the *Christian Science Monitor* reported: "Iranian-backed militancy in Iraq" was sponsored by "the al-Quds Brigades of Iran's Revolutionary Guard Corps (IRGC), responsible for operations outside Iran," which "maintain[ed] its ability to target US military personnel, diplomats and private citizens in Iraq" and to threaten "a nightmare scenario for US generals and diplomats in Iraq" that was supported by "Iran['s] … 'whole-of-government' approach in which government-owned industries and IRGC-influenced religious foundations (bonyads) are used as tools of statecraft," which enabled "Iran to provide … paramilitary support to armed groups" targeting Americans in Iraq. On August 12, 2011, likewise, *Daily News Egypt* reported that "[t]he current crisis in Iraq," for which "the United States … paid with blood and sweat for the war on terror" was because, *inter alia*, "Iran was able to mobilize the vast network

of religious foundations (bonyads) … in Iraq." On January 24, 2021, similarly, *Eurasia Review* reported that "bonyads such as Bonyad-e-Mostazafan [Foundation for the Oppressed], are among the organizations that have directly assisted the Quds Force" with respect to "fund[ing] its proxies including Hezbollah, and its multitude of militia forces in Iraq."

316. From 2006 through 2013, MTN caused at least hundreds of millions, if not billions, of net profits dollars into accounts for which the Foundation for the Oppressed and its Iraqi terrorist proxies were one of the ultimate beneficial owners, in effect, given the Foundation's relationship with Hezbollah. The Foundation supplied key financial support to the operatives, logisticians, smugglers, and intelligence assets upon which Hezbollah's attacks relied. In so doing, MTN helped Hezbollah and Jaysh al-Mahdi improve their ability to buy weapons (because the Foundation has more resources to spend), smuggle them into Iraq (more Foundation money to pay smugglers), store them while in Iraq (more Foundation money to build safe houses), and incentivize terrorists to use them (more Foundation money to make bounty, salary, and martyr payments, among others). In so doing, MTN's support through the Foundation for the Oppressed played a key role in each attack against Plaintiffs in Iraq.

317. From at least 2006 through at least 2013, MTN's scheme financed Hezbollah's and Jaysh al-Mahdi's attacks in Iraq, including those against Plaintiffs. Both terrorist groups derived vital aid from Ayatollah Khamenei, the SLO, the Foundation for the Oppressed, the IRGC, and Hezbollah, which underwrote an outsized majority percentage of Hezbollah's operations budget, as well as a substantial source of financing, through Hezbollah, to Jaysh al-Mahdi in Iraq, all of which paid for the expenditures needed to, organize, train, arm, and logistically sustain such Iranian proxies in Iraq while they attack Americans there through joint Hezbollah/Jaysh al-Mahdi cells in key areas throughout Iraq.

318. Senior U.S. officials confirmed that the Iranian regime, including the IRGC, were vital to financing Hezbollah's attacks. On September 29, 2006, for example, Frank C. Urbancic, Principal Deputy Coordinator at State, testified before Congress as follows:

> Iran is the 'central banker' of terrorism and a primary funding source for Hizballah. Because money is a terrorist group's oxygen, attacking terrorist financing is an essential element to combating terrorism. In that regard, we have made progress in impeding Iran's financial support for Hizballah and in undermining Hizballah's own financial network. …
>
> The USG has long assessed that Iran provides technological, operational, and financial support and guidance to Lebanese Hizballah. The Iranian regime has for 27 years used its connections and influence with terrorist groups to combat U.S. interests it perceives as at odds with its own, and Hizballah has acted as a willing partner.

319. On May 27, 2009, Treasury imposed sanctions targeting Hezbollah and confirmed the Iranian regime's, including the IRGC's, continued key role in financing Hezbollah attacks:

> Treasury [] designated … supporters of … Hizballah …, under E.O. 13224. E.O. 13224 targets terrorists and those providing support to terrorists or acts of terrorism by … prohibiting U.S. persons from engaging in any transactions with them. "We will continue to take steps to protect the financial system from the threat posed by Hizballah and those who support it," said Under Secretary for Terrorism … Stuart Levey. … Iran … provide[s] significant support to Hizballah, giving money, weapons and training to the terrorist organization. In turn, Hizballah is closely allied with and has an allegiance to [Iran]. Iran is Hizballah's main source of weapons and uses its Islamic Revolutionary Guard Corps to train Hizballah operatives in Lebanon and Iran. Iran provides hundreds of millions of dollars per year to Hizballah.

320. MTN's assistance was also potent because it helped flow funds to the leadership cells of the Hezbollah proxies that committed the attacks that killed or injured Plaintiffs or their loved ones. For example, State reported on September 17, 2020 that "the Islamic Republic's illicit financing activities," helped "undermine the integrity and security of the global financial system,: through "the Iranian regime's destabilizing campaigns and the aggrandizement of its leaders" when the "Iranian regime use[d] opaque and fraudulent financing activities to fund its partners" and "proxies."

B. MTN Funded IEI's Production and Distribution of Weapons and Weapons Components to the IRGC, Hizballah, and Their Proxies

321. MTN's conduct also fueled IEI profits that powered the Terrorist Sponsors' supply of arms to the IRGC, Hizballah, al-Qaeda, and other proxy groups, including military electronics, weapons systems, and weapons system components used in terrorist attacks.

322. The terrorist attacks on Plaintiffs involved IEDs, small-arms and sniper fire, rocket-propelled grenades (RPGs), rockets, and mortars. In the relevant timeframe, IEI manufactured or procured significant components for all those weapons systems, including:

a. Remote detonation devices such as the Wireless Fire Control system, which, according to a MODAFL publication, is used to "control, plan and execute explosive operations from far distance[s]," and can serve as a remote trigger for IEDs.

b. Proximity fuses for rockets, including man-portable 107 mm (Fajr-1 and Haseb), 122 mm (Arash and Noor), 240 mm (Fajr-3 and Fajr-5) rockets and rocket-propelled grenades[284] that the IRGC supplied to Hizballah and other IRGC proxy forces and that were widely used by those forces in attacks on American forces in Iraq. IEI's website describes these fuses as creating a "[d]estruction area … three times more than impact fuze."

c. Sighting optics for indirect-fire weapons, including ET-1, M2A2, and MD83 sighting optics for Iranian HM-12, HM-13, HM-15, HM-16, and HM-19 60 mm, 81 mm, 82mm, and 120mm mortars, which the IRGC has widely supplied to Hizballah and to other proxy forces in Iraq, Afghanistan, and elsewhere. Per IEI's website, these optics allow terrorist mortar crews to "aim indirectly at targets."

d. Handheld fire-control computers, including the AFCC-85 used with multiple Iranian-made arms systems supplied to IRGC proxies, including rocket and mortar systems.

e. Night vision and telescopic sights, including models for Dragunov sniper rifles (and Iranian-made copies thereof known as Nakhjir) and AM-50 and Steyr HS-50 "anti-materiel" rifles, which the IRGC is known to have supplied to its terrorist proxies including Hizballah and insurgents in Iraq.

f. Telescopic sights for infantry rifles, including "Hadaf" and "Riflescope" models.

g. Optical sights for rocket-propelled grenade launchers, including "Jooya" optical sights for the RPG-7 and RPG-29 (the Iranian-made variants of which are known as the

[284] The U.S. government has described IEI's M-122K proximity fuse as being used for RPGs.

"Sageg" and "Ghadir"), both of which the IRGC supplied in quantity to its proxy forces in Iraq, Afghanistan, and elsewhere.

h. NVS, NVS-T, NVG, and NVB-series night-vision optical systems and LH, ESR, and FADAK-series laser rangefinders for sniper rifles, small arms, crew-served weapons (*i.e.*, machine guns), and general reconnaissance and observation missions.

i. Tactical radios, including frequency-hopping and encrypted transmitters designed to frustrate electronic eavesdropping and countermeasures.

j. Gyro-stabilized surveillance systems for use in the IRGC's extensive drone fleet, including the Ababil-3—a drone derived from South Africa's "Seeker" drone—which the IRGC is known to have flown over Iraq during U.S. operations there.

323. Accordingly, when MTN fueled IEI profits, MTN helped the IRGC and Hizballah directly finance and supply all of these IEI-manufactured weapons and weapons components to the IRGC Qods Force, Hizballah, and to one or more of its Axis of Resistance proxies for use in terrorist attacks on Americans.

324. Iran scholars have confirmed the importance of IEI's contributions to IRGC proxy terrorism. In 2015, for example, Farzin Nadimi observed that IEI products had been provided to Hizballah and that IEI "[e]quipment such as portable frequency-hopping radios with encryption capability, data terminals, cellular and fiber-optic networks, laser range finders, thermal cameras, and night-vision goggles can all contribute greatly to the effectiveness and lethality of asymmetric operations."

C. MTN Procured Embargoed U.S. Technology for Its IRGC- and Hizballah-front Partners, Knowing It Would Be Used to Support Terrorism

325. From the beginning, MTN Group's role in Irancell was to help the Iranian joint venture and its IRGC owners illicitly procure embargoed U.S. technology, equipment, and services in violation of U.S. sanctions. That effort directly aided the IRGC's ability to plan and execute proxy attacks on Americans.

1. MTN Was the Architect of a Large-scale, Complex Scheme to Procure Embargoed Technologies from the United States for its IRGC-front Partners

326. Upon entering the joint venture, the MTN defendants immediately stepped into the role that was the deal's *raison d'etre*: evading U.S. sanctions to provide their IRGC-front partners with embargoed U.S. technology. The targeted U.S. goods included enterprise-scale telecommunications and networking equipment—much of it subject to both national security and anti-terrorism controls—needed by the IRGC and its proxy terrorists to secure their communications, improve their planning, and enhance the lethality of their roadside bombs.

327. According to a report published by *Reuters* in August 2012, after failing to obtain U.S. technology lawfully via the "de minimis rule" (which MTN initially believed allowed it to import large, multi-component systems so long as only 10% of the components were U.S.-sourced, but later learned applies on a per-component basis), a "desperate" MTN elected "to procure US embargoed products ... from [the] grey market"—that is, through "dark" or unauthorized distribution channels—"notwithstanding the adverse consequences to MTN" of circumventing the U.S. sanctions regime.

328. MTN always knew that its efforts to help its Iranian partners obtain U.S. products violated American law. *Reuters* reported in 2012—based on MTN documents dated 2005 and 2006—that MTN "plotted to procure embargoed U.S. technology products for an Iranian subsidiary through outside vendors to circumvent American sanctions," and that "[h]undreds of pages of internal [MTN] documents … show that MTN employees … wrote reports that openly discussed circumventing U.S. sanctions to source American tech equipment for MTN Irancell" and even "address the potential consequences of getting caught." Internal MTN documents explicitly called for the acquisition of "embargo items."

329. To that end, senior MTN Group technology personnel were embedded into Irancell and involved in its procurement operations. For example, internal MTN Group emails demonstrate that MTN Group's Chief Technology Officer used an Irancell email address and was directly involved in the company's procurement processes.[285] Senior MTN Group operating personnel were also routinely seconded to Irancell to manage procurement for the joint venture. Irancell's Chief Operating Officer and Chief Financial Officer—the officials primarily responsible for the company's day-to-day operations and financial decisions—were always or nearly always drawn from MTN Group or another of its operating companies.[286] Moreover, the Chief Financial Officer seconded from MTN was required to "co-sign" "[a]ll cheques and other obligation creating documents," giving that MTN officer first-hand knowledge and approval of all of Irancell's procurement expenditures.[287]

330. MTN Group was responsible for determining the technologies used by Irancell, helping to acquire those technologies, integrating such technologies into MTN's global network, and optimizing Irancell's use of technology. Agreements executed early in MTN's involvement in the joint venture provided, for example, gave MTN authority to (among other things) "evaluat[e] procurement of new systems applications, equipment and critical supplies" and "support[ ] [Irancell] in negotiations with key international suppliers, to leverage the buying power of the MTN Group for the benefit of [Irancell]." Another authorized MTN Group to "engage[ ] … international service providers … in its own name" to provide services to Irancell "in circumstances where it is considered necessary by [Irancell] to facilitate or expedite the

[285] *See* MTN E-Mail Thread (Oct. 16, 2012) (MTN-GROUP-000002125).

[286] *See supra* n.4.

[287] MTN Group, *Project Snooker Presentation*,2 (Nov. 22, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 424.

engagement process in view of the start-up nature of the Company's operations."[288] This latter provision allowed Irancell to use MTN Group as a cover to obtain goods and services from international service providers—including U.S. companies—barred by U.S and international sanctions from providing those goods and services to an Iranian company.

331. Consistent with those agreements, MTN Group represented Irancell and its owners as their purchasing agent for embargoed foreign goods, and coordinated the joint venture's efforts to obtain vital U.S. technology. In August 2012, *Reuters* reported that, according to a senior MTN executive in Iran, "MTN Group was directly involved in procuring U.S. parts for MTN Irancell." Indeed, in August 2012, *Reuters* reported that "[a]ll the procedures and processes around procurement were established by MTN [Group]." Moreover, *Reuters* reported in August 2012 that as of 2006, MTN Group maintained "a lengthy spreadsheet of '3rd Party' equipment" to be obtained for Irancell that "list[ed] hundreds of U.S. components - including servers, routers, storage devices and software - required for a variety of systems." As *Reuters* reported in August 2012, another internal MTN document "list[ed] U.S. equipment needed for "value-added services," including … a wiretapping system," and stated that the equipment would arrive in Dubai for shipment on to the Iranian port of Bandar Abbas.

332. MTN Group conducted its Irancell procurement by creating lists of specific U.S. equipment required by its Iranian counterparties and providing those lists to agents with instructions to acquire them from the United States. It established multiple sanctions-evasion routes to obtain the embargoed U.S. technology, including a procurement network operated by

[288] *See* Cost Recovery Agreement Between Sherkat Khadamate Ertebati-e-Irancell (PJSC) ("Irancell") and MTN Group (MTN-GROUP-000000518); Operational Support Agreement Between Sherkate Khadamate Ertebati-e-Irancell (Irancell Telecommunication Services Company) PJSC Registration No. 252949 ("Company") and MTN Group Registration No.: ("MTN Group") (MTN-GROUP-000000033).

MTN and Irancell via the Iranian technology company Patsa Co., the IEI affiliate Arya Hamrah Samaneh Co., and a network of front companies controlled by indicted sanctions-evader Mahmood Akbari; another network operated by the Iranian subsidiary of a Kuwaiti company known as Shabakkat; and a shadowy international procurement firm known as Exit40.

333. In June 2012, *Reuters* reported that an MTN Group executive was personally involved in the company's first acquisition of embargoed U.S.-source technology—approximately half a dozen Sun servers provided by Patsa Co. after the MTN executive was approached by "an official with Patsa" offering the equipment. On information and belief, that "official" was Mahmood Akbari ("Akbari"), who was a managing director of Patsa Co. at that time and subsequently became a key figure in MTN's sanctions-evasion scheme (and the object of a felony indictment in the United States).[289]

334. After MTN concluded that it could not legally obtain necessary U.S. technology, it conceived and established an elaborate scheme to exploit the "grey market" and obtain the embargoed equipment through deniable third-party agents acting at its direction. The first link in the sanctions-evasion chain was MTN's original source for embargoed Sun servers: Mahmood Akbari's Patsa Co. In 2006, Patsa entered a bid to build and manage Irancell's data center, which required various embargoed U.S.-sourced technologies, but—according to a report by *Reuters* in June 2012—was told by "an Iranian official" that "Patsa could only have the contract if it partnered with MTN's Iranian partners – Sairan … and Bonyad Mostazafan"—that is, IEI and the Foundation for the Oppressed.

[289] Various sources identify Akbari as a Patsa Managing Director, including the Trade Organization of Iran's Iran Trade Directory, https://dmr.ir/wp-content/uploads/2022/12/15-Information-Industry.pdf (see entry for Patsa Co.).

335. Accordingly, *Reuters* reported in June 2012 that Patsa "agreed to allow its Iranian partners and MTN Irancell to set up a local Iranian company with the basic purpose of evading sanctions on Iran." Published reports indicate that the resulting company was Arya Hamrah Samaneh Co. ("AHS"), and that it was "used to camouflage purchases of embargoed equipment" by Irancell.[290] AHS, which is part-owned by Patsa and IEI[291] and was co-founded by Akbari, was the entity that won the bid to operate Irancell's data center in Iran, which the IRGC-IO reportedly ran and used as a node in their operations, among other ways, to gather intelligence on attack targets.[292]

336. Investigative reporting in MTN's home country of South Africa has revealed that AHS, in turn, is linked to a group of U.A.E.-based fronts owned or controlled by Akbari and, on information and belief, Patsa Co., including Patco Group Ltd., TGO General Trading, and Managed Systems and Services (MSAS).[293] Patco Group has been identified by U.S. officials as "a 'front' company in the UAE" for Patsa Co., directly tying Patco to Patsa and thus to MTN.[294] Notably, Patsa Co.'s address in Tehran—"Patsa Building, No.34, Arash Blvd., Farid Afshar St., Zafar Ave., Tehran, Iran"[295]—is identical to the address given by the U.S. Bureau of Industry

[290] *Id.* (quotations omitted; formatting adjusted); *see also* Craig McKune, *US Trial Turns Heat on MTN,* Mail & Guardian (Feb. 15, 2013), https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/.

[291] Craig McKune & Sharda Naidoo, *Iran 'Puts the Screws' on MTN*, Mail & Guardian (Apr. 5, 2012), https://mg.co.za/article/2012-04-05-iran-puts-the-screws-on-mtn/.

[292] *Id.* ("Irancell" was "effectively run by the military and military intelligence" and used to gather attack and hostage-taking intelligence for targeting of regime enemies).

[293] *See* 81 Fed. Reg. 14953, 15955 (March 21, 2016).

[294] Affidavit of Special Agent Allen Berkowitz in Support of Criminal Complaint, *United States v. Chen Chee Onn*, No. 8:15-mj-1031 (M.D. Fl. Jan. 14. 2015), at ¶13.

[295] *See* https://patsa.co.ir/contact-us/.

and Security for both Mahmood Akbari and Reza Hajigholamali, the principals of Patco Group.[296] This establishes a direct link between MTN Group, Patsa, Akbari, and Patco.

337. Multiple criminal prosecutions in the United States have identified American firms and individuals who worked with Akbari's companies to supply embargoed dual-use technologies and services that prosecutors identified as having "military applications"[297] from the U.S. to Iran for the benefit of what the American conspirators identified as "a South African cellphone company"[298]—an unmistakable reference to MTN Group. Akbari, his companies, and his colleague Reza Hajigholamali were all indicted in 2009 in connection with schemes to obtain embargoed dual-use technologies in the United States and ship them to Irancell.

338. Documents filed in the Akbari prosecutions demonstrate MTN's role in the U.S. procurement scheme. For example, Mohammad Hajian, a Florida resident who operated three "export" companies out of his Tampa home, was charged with and convicted for obtaining embargoed dual-use computer equipment—specifically, a Hitachi Data Systems Universal Storage Platform V and a Sun M9000 enterprise server—"from a Florida company" and causing it to be shipped from Florida "to the UAE, knowing that this shipment was destined for Iran."[299] Hajian told prosecutors that the equipment was sold "not to the [Iranian] regime," but to "a South African cellphone company in Iran," and was "intended to facilitate a joint venture between a South African cellphone company and a non-governmental Iranian entity related to the provision of civilian cellular telephone service within Iran"—that is, to assist Irancell.

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[296] *See* 81 Fed. Reg. 14953, 15955 (March 21, 2016).

[297] Rowan Philp & Craig McKune, *US Trial Turns Heat On MTN*, Mail & Guardian (Feb. 15, 2013), available at https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/.

[298] Sentencing Memorandum of Defendant Mohammed Raza Hajian, ECF 40, *United States v. Hajian*, No. 8:12-cr-00177 (M.D. Fla. Oct. 15, 2012)

[299] *See* Information ¶¶1-5, *United States v. Hajian*, No. 8:12-cr-00177 (M.D. Fla. May 2, 2012).

339. Hajian's direct counterparty was Patco Group Ltd., the UAE-based 'front' for Patsa Co. controlled by Akbari. In June 2012, *Reuters* revealed that Patco has been reported to be Irancell's "IT Department" and affiliated with Arya Hamrah Samaneh Co., the procurement entity created by IRGC fronts the Foundation for the Oppressed and IEI with MTN's approval to "camouflage" Irancell's illegal procurement. The criminal complaint against one of Hajian's co-conspirators notes that "Patco has been identified by investigators as a front company for Hajian's Iran-based customers' companies."[300]

340. Hajian was the point man for a larger embargo-evasion enterprise aimed at funneling U.S. dual-use technology to Hajian's customer, the "South African cell phone company in Iran." When embargoed technology he sold to Patco "for ultimate delivery" to the "South African cell phone company in Iran" required software support, he retained Washington state-based computer engineer Alexander Talley to travel to the UAE to work on the system and train Akbari's engineers on its use.[301] While in the UAE, Talley was invited by Akbari's associate Reza Hajigholamali "to travel to Iran to work on computer projects"—specifically, to assist with the implementation of and training on the embargoed Hitachi system that Hajian sold to MTN.[302] Although Talley ultimately did not travel to Iran, he signed a contract with Patco to support the Hitachi system remotely from the United States.[303] He provided remote IT services to Irancell via Patco from his home office in Washington state from approximately March of

[300] Criminal Complaint, Affidavit of Special Agent Eric Jones ¶¶19, 25, *United States v. Talley*, No. 8:13-cr-00028 (S.D. Fla. Dec. 15, 2012)

[301] Indictment ¶18(h), *United States v. Talley*, No. 8:13-cr-00028 (M.D Fla. Jan. 10, 2013).

[302] *Id*. ¶18(i), (j).

[303] *Id*. ¶18(r)-(v).

2011 through May of 2012. He was initially paid for those services through Hajian, and later by Akbari via Patco another Akbari company, TGO General Trading.[304]

341. The Hitachi and Sun technology obtained by Hajian and his co-conspirators for MTN was covered by multiple Export Control Classification Numbers (ECCNs) relating to antiterrorism and national security, including ECCNs 5A002 and 5D002,[305] which cover "encryption items" and are highly regulated to prevent proliferation of cryptographic tools that can shield telecommunications from U.S. military and law enforcement monitoring. For that reason, federal prosecutors told the District Court that the equipment Hajian sold to Irancell "could have military applications," and the judge agreed that it "'could be dangerous' in Iran, whether controlled by the government or by Irancell."[306]

342. The Patsa-Akbari-Patco procurement scheme was not MTN's only effort to acquire embargoed U.S. equipment. Concurrently with the establishment of the Patsa relationship. MTN also engaged Shabakkat Cellular, an Iranian subsidiary of a Kuwaiti company established concurrently with Irancell in 2005 and known to provide services to MTN Group.[307]

343. In August 2012, *Reuters* reported that "MTN [Group] decided to hand over the procurement of many U.S. parts to … Shabakkat," which obtained and provided to Irancell equipment identified by MTN, including (among other items) U.S.-origin Cisco routers and

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[304] Superseding Indictment ¶6, *United States v. Talley,* No. 8:13-cr-00028 (M.D Fla. Sept. 12, 2013).

[305] Government Sentencing Memorandum ¶1.2, ECF 56, *United States v. Dragoni*, 8:14-cr-94 (M.D. Fla. July 9, 2014).

[306] Rowan Philp & Craig McKune, *US Trial Turns Heat On MTN*, Mail & Guardian (Feb. 15, 2013), https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/

[307] https://www.shabakkat.com/ (last visited August 2, 2025) (noting founding date of 2005 and identifying MTN as one of several telecommunications companies to which Shabakkat has "provided services and turnkey solutions").

switches and Sun hardware, which it shipped in from Dubai. According to internal MTN documents described by *Reuters* in June 2012, MTN's use of "innovative mechanisms"—that is, deliberate sanctions evasion—to obtain U.S. technology was necessary because "the hardware platforms required" in Irancell's data center—operated by AHS and controlled by the IRGC-IO intelligence officers—"are of US origin and therefore fall afoul of the U.S. embargo."

344. Shabakkat utilized a shadowy company called "Exit40" to obtain at least some U.S.-origin technology from the United States. Established in 2003, Exit40 boasted on its website that its "procurement executives source hard to find or locally constrained products for customers." The company initially claimed offices in Switzerland, Dubai, and India. In 2004—concurrently with MTN's initial efforts to win the Irancell license—it established a fourth office in the United States, which it used to source U.S.-origin technology for ultimately delivery to Irancell. Exit40's involvement in MTN's sanctions-evading procurement network was a closely guarded secret: according to Reuters, Shabakkat employees were counseled never to speak of Exit40 or its role in obtaining U.S. goods for Irancell.

345. Later, when MTN collaborator Huawei Co. sought its own mechanism for smuggling embargoed U.S. technologies into Iran, MTN Group "advised Huawei on setting up the structure" for such an operation, as *Reuters* reported in 2019. The result of that advice was Skycom, which the U.S. government has described as "an unofficial subsidiary" of Huawei used "to obtain otherwise prohibited U.S.-origin goods, technology and services … for HUAWEI's Iran-based business while concealing the link to HUAWEI."[308] Both Huawei and Skycom are currently under indictment in the Eastern District of New York for this and related conduct.

[308] Third Superseding Indictment, ECF No. 126, *United States. v. Huawei Techs. Co., Ltd.*, Case No. 1:18-cr-00457 (E.D.N.Y. Feb. 13, 2020).

MTN Group and Irancell work closely with Huawei in Iran and elsewhere, and on information and belief, MTN Group—like Huawei—used Skycom to source embargoed technology from the United States for use by Irancell and its IRGC-front owners until Skycom's dissolution in 2017.

346. Because MTN Group and MTN Group employees were responsible for both identifying the products and technologies needed for Irancell's operations and for specifically approving all Irancell's procurement expenses, it necessarily knew of and approved the large-scale effort to circumvent the U.S. sanctions regime.

2. MTN's Illicit Procurement Scheme Enabled IRGC- and Hizballah-sponsored Terrorist Attacks on Americans

347. The embargoed dual-use technologies that MTN procured for its IRGC partners were essential to the IRGC's and Hizballah's terrorist communications, surveillance, bombmaking, rocket attacks, intelligence gathering, and project management—everything those groups needed to coordinate attacks with their Axis of Resistance proxies against Americans in the Middle East. By helping to revolutionize the IRGC's communications capabilities, MTN helped the terrorists better conceal their communications with their Hizballah and Axis of Resistance proxies to make it difficult for American counter-terror forces to monitor the joint cells attacking Americans in Iraq and Afghanistan.

348. By making it easier for the terrorists to securely communicate with one another, MTN made it easier for them to attack Americans—and they did. MTN accomplished this "communications concealment" assistance to the IRGC and its terrorist proxies in at least three ways. *First*, MTN acquired advanced American-made encryption technologies for the IRGC, Hizballah, and their Axis proxies. The terrorists used the MTN-acquired, U.S.-manufactured and embargoed technologies to encrypt their communications, making attacks more difficult for U.S. forces to avoid. *Second*, MTN obtained advanced computing, software, and network

technologies for the IRGC, Hizballah, and their Axis proxies. Whether those technologies remained with Irancell—which was heavily staffed with and controlled by IRGC-IO intelligence officers—or were passed to the IRGC or Hizballah directly, they contributed to both the terrorists' cryptographic countermeasures and their logistical, planning, surveillance, and targeting capabilities. *Third*, MTN lied to the U.S. government about its ongoing cooperation with and work on behalf of the IRGC and Hizballah. This furthered the terrorist campaign by preventing the U.S. government from knowing and understanding what technology the terrorists had, and when it was obtained.

349. When MTN helped the IRGC and Hizballah evade U.S. antiterrorism sanctions through Irancell, it directly enabled terrorist attacks committed or sponsored by the IRGC, Hizballah, and their Axis proxies. The United States has made clear that the U.S. "antiterrorism controls" that MTN deliberately helped the IRGC and Hizballah (through Irancell, the Foundation for the Oppressed, and IEI) violate "are intended to prevent acts of terrorism" by "limit[ing] the availability of [controlled] goods for use in support of international terrorism."[309] And specifically with respect to Iran, "[t]he purpose of the controls is to restrict exports of equipment that would be useful in enhancing Iran's . . . terrorist supporting capabilities."[310] When MTN helped the IRGC and Hizballah use Irancell to ensure that such U.S.-origin goods were exported or reexported to "sensitive end-users in a designated terrorist-supporting country" like "Iran" via Irancell, MTN "enhance[d] [Iran's] ability to support acts of international terrorism."[311] The U.S. "antiterrorism controls" applicable to Iran and their attendant above

[309] U.S. Dep't of Comm., *2004 Report on Foreign Policy-Based Export Controls*, 31 (Jan. 2004).

[310] *Id.* at 46.

[311] U.S. Dep't of Comm., *2012 Report on Foreign Policy-Based Export Controls, Chapter 4: Anti-Terrorism Controls*, 36-37 (Jan. 2012).

findings and purposes covered, *inter alia*, certain "[m]obile communications equipment" and "microprocessors"[312]—at least one (if not both) of which MTN helped route to the IRGC.

350. MTN knew that its unlawful procurement scheme would funnel embargoed U.S. technology to the IRGC and its terrorist proxies. In 2012, for example, MTN Group's CEO admitted to the *Wall Street Journal* that "What the [Iranian] government decides to do with that equipment is not in our hands. We cannot say who they listen to and when."

351. MTN Group has also admitted that providing IT and communications technologies to terrorists foreseeably enables terrorist attacks. In 2018, for example, MTN admitted that, "digital technology" has "created concerns regarding … potential impacts on national security[] in countries around the world … [including] the concern about the spread of terrorism using digital communications."[313]

D. MTN Directly Assisted IRGC and Hizballah Operations

352. Consistent with Defendants' contractual obligations to support the IRGC's "security" agenda, MTN's headquarters in Tehran and Irancell's data center were heavily staffed with IRGC intelligence personnel. First-hand accounts have described a shadowy "second floor" in MTN's building populated by military intelligence officials, the IRGC volunteer militia known as the Basij ("morality police") and clerics and stated that the data center is "is effectively run by the military and military intelligence."[314]

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[312] U.S. Dep't of Comm., *2004 Report on Foreign Policy-Based Export Controls*, 28 (Jan. 2004).

[313] MTN Group, *Annual Sustainability Report For The Year Ended 31 December 2017*, 41 (Mar. 2018).

[314] Craig McKune & Sharda Naidoo, *Iran 'Puts the Screws' on MTN*, Mail & Guardian (Apr. 5, 2012).

353. The IRGC and Hizballah have used MTN and Irancell to source intelligence for attacks through their full access to Irancell's data warehouse, which is owned by MTN and operated by a third-party provider in South Africa, and to the data-mining technologies of its operator.[315] The IRGC and Hizballah utilized Irancell's data to identify, track, surveil, and target telecom users both inside Iran and elsewhere in the Middle East where Irancell mobile phones were in use, including Iraq and Afghanistan.

354. In addition, Irancell's cellular towers provided the IRGC with valuable signals intelligence, often for a great distance from the towers—allowing the IRGC to use them as a form of early-warning system to detect movement on the other side of the border in Iraq and Afghanistan. This enabled the IRGC, Hizballah, and their Axis of Resistance proxies to more easily identify targets, launch attacks, smuggle weapons, and more. Irancell coverage plots—*i.e.*, maps of where Irancell towers were located, some of which Irancell CEO Alireza Dezfouli presented in his "roadshow" presentation for Irancell—revealed Irancell's commercially inexplicable emphasis on placing cell towers along Iran's borders with Iraq and Afghanistan, even though such areas were generally sparsely populated, in order to enable the IRGC to better monitor the movement of U.S. and Coalition personnel in Iraq and Afghanistan. According to written accounts by U.S. Special Forces personnel, the IRGC used Irancell data towers along both borders to "ping" U.S. servicemembers' and civilians' phones to geolocate, track, and target them for terrorist attacks. MTN knew about and assisted the establishment, maintenance, and use of these commercially inexplicable cell towers.

355. In addition, Defendants provided their IRGC partners with access to business intelligence software known as FACTS and NMS used to support IRGC surveillance

[315] *Id.*

356. As early as 2004, MTN Group created a UK-based shell company called Surizon. Surizon's co-owners, its CEO, and "head of international business development" were previously members of MTN Group's founding board, including its General Counsel and the architect of its international expansion. Surizon's primary products were two software applications: Fast Access to Content, Trends and Statistics ("FACTS") and Network Management System ("NMS"). FACTS was, and still is, an "intelligence system." NMS enables companies to manage and monitor networks like Irancell's and TCI's, which have a mix of incompatible US, European, and Chinese-supplied hardware, enabling them to supply meaningful data to FACTS.

357. According to statements by Surizon and multiple MTN and Irancell employees, Surizon's products were, in essence, interfaces and data manipulation scripts wrapped around U.S.-origin technologies created by, *inter alia*, Oracle, Roambi, and BMC. On information and belief, between 2006 and 2007, Surizon and MTN Group 'negotiated' a "21-country deal" to provide "FACTS… across all MTN Group operators."

358. Surizon and MTN Group customized and deployed FACTS and NMS to each of MTN Group's operating companies, including in Sudan, Syria, and Iran, and specifically including the companies whose facilities are integrated into Iran's transnational signals intelligence network.

359. The U.S.-origin technologies used by Irancell and supplied by MTN, enabled the IRGC to collect surveillance data and deliver intelligence in real time to terrorist agents in the field via smart phone applications. Use of the U.S.-origin technology, as provided by MTN, allowed the terrorists to monitor, track, and target Americans. Indeed, the U.S.-origin technologies enabled FACTS users and Iranian third parties to receive text message alerts under

user-specified conditions, and to access network data, including interactive maps of subscriber activity using their smart phones, and to query and mine the data its network operations centers collected (which themselves were also based on U.S.-origin technologies).

E. Defendants Knew Their Involvement in Irancell Aided Terrorist Attacks

360. A wide array of information sources alerted MTN of the close connections between MTN's conduct and IRGC- and Hizballah-sponsored attacks targeting the United States before and during MTN's participation in the Irancell joint venture. Representative examples are set forth below, without the benefit of discovery, which is likely to yield further examples.

361. MTN knew that by partnering with Iran, and providing Iran with resources and funds, it was supporting Hizballah—as internal MTN documents show MTN knew, as early as 2006, that Hizballah was "***strongly supported by Iran***" and that Syria was a "***key transit point for Iranian assistance to Hezbollah***." MTN was also aware, at this time, that the Taliban in Afghanistan "has made large parts of the country outside of Kabul a killing field for Afghani [sic] and NATO military forces as well as civilians." When referring to the "Impact on MTN" from "Middle East Conflict" in Lebanon, MTN made note of the risk of "another attack by Israel on Hezbollah," without any acknowledgment of risks posed by Hizballah itself. In Iran, MTN described the impact on MTN as a "security threat to MTN personnel and the assets of the operational entity should America ... decide to attack." And the same slide refers to the Taliban as a "[c]ontinuous security threat to MTN personnel and implementation contractors."

362. This same presentation makes clear that MTN knew by participating in the Irancell joint venture, it was partnering with the IRGC. MTN goes so far as to state, when describing the Irancell timeline, "***The defining characteristic of this transaction was the political forces that were marshalled in support of MTN and it can therefore be concluded on***

an unequivocal basis that MTN's entry into the Islamic Republic of Iran was at its core due to political decisions taken at the highest levels in Iran."[316]

363. From the beginning, Defendants knew from public reports that their majority owner of IEDC, the Foundation for the Oppressed, was a front for the IRGC and Hizballah that funneled money and weapons for those terrorist groups and engaged in widespread sanctions evasion on their behalf.

364. From 2002 through early 2003, while MTN was preparing to do business in Iran with notorious IRGC fronts, a torrent of warnings reported by the United States alerted MTN that the Terrorist Sponsors posed an escalating threat to the United States throughout the Greater Middle East, which supplied key context for MTN's ultimately successful attempt to partner with the IRGC and Hizballah through Irancell. Such reports included, but were not limited to:

a. In January 2002, DOD warned that "Iran" had "longstanding hostility toward the United States" "sponsor[ed] … terrorists."[317]

b. In May 2002, State warned that "Supreme Leader Khamenei continued to refer to Israel as a 'cancerous tumor' that must be removed. Matching this rhetoric with action, Iran continued to provide Lebanese Hizballah … with varying amounts of funding, safehaven, training, and weapons … [and] encouraged Hizballah … to coordinate [its] planning [with other IRGC proxies] and to escalate their activities."[318]

c. In September 2002, Commerce warned that the U.S. government's "Iran [] controls respond to the continued Iranian sponsorship of terrorism" and are intended "to restrict exports of equipment that would be useful in enhancing Iran's … terrorist supporting capabilities" by "allow[ing] the United States to prevent shipments of U.S.-origin equipment to Iran for uses that could pose a direct threat to U.S. interests" given that "Iran continues to support groups that practice terrorism."[319]

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[316] MTN Group, *Middle East and Iran*, at 3 (Dec. 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 149-51.

[317] U.S. Dep't of Def., *Excerpts of Classified Nuclear Posture Review*, 4 (Jan. 2002).

[318] U.S. Dep't of State, *Patterns of Global Terrorism: 2001*, 65 (May 2002).

[319] U.S. Dep't of Comm., *2002 Report on Foreign Policy Export Controls, Chapter 4: Anti-Terrorism Controls*, 40 (Sept. 2002).

d. In February 2003, the White House published America's *National Strategy for Combating Terrorism*, which warned that "state sponsorship of terrorism" by "Iran" meant that it was "important" to "understand how terrorists and their supporters may use legitimate means of communications" for "illegal activities," and that "[s]ensitive technology in the hands of terrorists can be just as damaging to our war efforts as weapons and financing."[320]

365. During the period from after the United States overthrew Saddam Hussein's regime in Iraq in March 2003 through when Defendants officially partnered with the Foundation for the Oppressed and IEI in Irancell in November 2005, the United States regularly warned that the Terrorist Sponsors were using Iranian resources, groups, and entities they controlled, including the Supreme National Security Council, to actively support Hizballah attacks targeting the United States in Iraq, just like the Terrorist Sponsors had long done for Hizballah throughout the world. Indeed, even when MTN merely reviewed State's two annual reports on terrorism published during this period in June 2004 and April 2005, respectively, MTN was alerted as the following U.S. government findings relevant to MTN's Iran decisions.

a. Iran as Worst State Sponsor of Terrorism. In 2004, State warned: "Iran remained the most active state sponsor of terrorism in 2003."[321] In 2005, State warned that "Iran remained the most active state sponsor of terrorism in 2004."[322]

b. IRGC and MOIS Sponsorship of Attacks by Hizballah. In 2004, State warned that "Islamic Revolutionary Guard [Corps] and Ministry of Intelligence and Security personnel were involved in planning and support for terrorist acts. Although Iran detained al-Qaida operatives in 2003, it refused to identify senior members in custody. Tehran continued … providing logistic support and training to Lebanese Hizballah."[323] In 2005, State warned that the "Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security were involved in the planning and support of terrorist acts and continued to exhort a variety of groups to use terrorism in pursuit of their goals,"[324] and that, among state sponsors of terrorism, "Iran" was "of special concern for" the Iran's "direct, open,

[320] White House, *National Strategy for Combating Terrorism*, 18, 22 (Feb. 1, 2003).

[321] U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

[322] U.S. Dep't of State, *Country Reports on Terrorism 2004*, 88 (Apr. 2005).

[323] U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

[324] U.S. Dep't of State, *Country Reports on Terrorism 2004*, 88 (Apr. 2005).

and prominent role in supporting Hizballah," for Iran's "unhelpful actions in Iraq," among other reasons.[325]

c. Key Impact of State Sponsorship on Terrorists' Threat to United States. In 2004, State warned: "State sponsors of terrorism impede the efforts of the United States and the international community to fight terrorism. These countries provide a critical foundation for terrorist groups. Without state sponsors, terrorist groups would have a much more difficult time obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations."[326]

d. U.S. Judgment that Iranian WMD and Missiles Posed a High Terrorist Threat. In 2005, State warned that "Iran continue[d] to embrace terrorism as an instrument of policy" and, in such context, the "[m]ost worrisome" state-sponsored terrorism threat was that posed by "Iran" because, in addition to being a state sponsor of terrorists like Hizballah, Iran "also" had "the capabilities to manufacture weapons of mass destruction and other destabilizing technologies that could fall into the hands of terrorists."[327]

366. Defendants were aware of the close and extensive links between Hizballah and Jaysh al-Mahdi as early as 2004, based on the widespread coverage those links received in the Western and international media. During the same period between March 2003 (after the U.S. invaded Iraq) and November 2005 (after MTN officially partnered with the Terrorist Sponsors), reports sourced to U.S. and U.K. governments alerted MTN that that: (1) the Terrorist Sponsors were actively sponsoring Hizballah-backed attacks by Jaysh al-Mahdi targeting the United States in Iraq; and (2) the Terrorist Sponsors' sponsorship of Hizballah-directed, IRGC-sponsored, Jaysh al-Mahdi-committed (sometimes with Hizballah) attacks in Iraq were being enabled by the Terrorist Sponsors' use of cell phones and U.S. dollar payments as key tools with which they recruited Iraqi terrorists to attack Americans. Such reports included, but were not limited to:

a. In April 2003, the BBC reported that "several hundred elements from the Revolution Guards' Quds Corps" and "Revolutionary Guards' intelligence service" had deployed to Iraq with "huge amounts of money, some of which was used to buy weapons" and IRGC-QF and IRGC-IO agents spending "[t]housands of dollars" to recruit local Iraqis, all of

[325] *Id.*

[326] U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

[327] U.S. Dep't of State, *Country Reports on Terrorism 2004*, 5 (Apr. 2005).

which was done "to impose security" on Iraqi people in the same way that the IRGC imposed "security" in Iran—through terrorist violence.

b. In April 2004, the *Washington Times* reported that Sadr was "being aided directly by Iran's Revolutionary Guard, which plays a large role in running that country, and by Hezbollah, an Iranian-created terrorist group based in Lebanon."

c. In April 2004, *Voice of America* reported about "Iranian involvement" in Shiite attacks against Americans in Iraq, and quoted "Alireza Noorizadeh, head of the Center for Arab-Iranian Studies" who maintained that Iran was actively supporting such violence, and as an example, "the Iranians provided [Muqtada] al-Sadr's followers with 800 Thuriya satellite telephones, as well as other equipment," that Jaysh al-Mahdi was "using to communicate with each other. Their involvement is huge. … Revolutionary Guard and [IRGC] intelligence units loyal to Iran's spiritual leader Ayatollah Ali Khamenei" sponsored this.

d. In June 2004, State warned that (i) "individuals with ties to the Revolutionary Guard may have attempted to infiltrate southern Iraq" soon "after the fall of Saddam Hussein"[328]; (ii) "Prayers sermon in Tehran in May [2004]"—which MTN knew were always controlled by Khamenei and the SLO—"Guardian Council member Ayatollah Ahmad Jannati publicly encouraged Iraqis to follow the Palestinian model and participate in suicide operations against Coalition forces"[329]; and (3) "In 2003, Hizballah appeared to have established a presence in Iraq …. Hizballah Secretary General Hassan Nasrallah stated in speeches that … the group's 'slogan is and will continue to be death to America'."[330]

e. In November 2004, *U.S. News & World Report* reported that, according to intelligence reports, "Iran used Hezbollah to train and provide funds to Sadr's Mahdi Army"; that "Hezbollah had established 'a team of 30 to 40 operatives' in Najaf 'in support of Moqtada Sadr's Shia paramilitary group'"; that "Hezbollah was recruiting and training members of Sadr's militia"; and that "Hezbollah was 'buying rocket-propelled grenades . . . antitank missiles' and other weapons for Sadr's militia."

f. In October 2005, DoD warned that "the Jaysh al Mahdi … of radical Shia cleric Muqtada al Sadr fought Coalition Forces… in April and August of 2004" and was "viewed as a potentially insurgent organization" because "Jaysh al Mahdi" had "continued to exist …, although the Iraqi government has made repeated calls for [JAM's] disbandment" and the United States knew of "evidence that" JAM was "supplied from sources outside of Iraq, most notably Iran."[331]

g. In October 2005, the *Arab Press Service* reported: "A senior UK official said Britain had complained to the Iranian leadership that explosives technology used by [] Iranian-

[328] U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 88 (June 2004).

[329] *Id.*

[330] *Id.* at 122.

[331] U.S. Dep't of Def., *Measuring Stability and Security in Iraq*, 25 (Oct. 13, 2005).

> backed Hizbollah [] had been found in the hands of a renegade Shiite faction. The official said the technology was believed to have been supplied to the Iraqis by Iran and had been used in deadly attacks on western forces, including bomb attacks …. US warnings about Iranian support for Sunni Arab insurgents date back at least to the summer …. The British official said evidence had emerged of links between the Iranians and a breakaway faction of the Mahdi army, the Shiite militia headed by radical cleric Muqtada Al Sadr. … Ali Larijani, head of Iran's Supreme National Security Council … was quoted by the Sisayat-e Rouz daily as saying: ['']If pressured by America, Iran will use its full might to endanger America's interests'.''

h. In July 2006, the *Asia Times* reported that Hizballah had "opened two offices in the Iraqi cities of Basra and Safwan" in order to "build[ ] up [its] organizational and military apparatuses in Iraq."

i. In November 2006, the *New York Times* reported that "Hezbollah had been training members of the Mahdi Army," that Hizballah had trained more than a thousand terrorists in Hizballah camps in Lebanon alone, and that a senior U.S. intelligence official assessed that "Lebanese Hezbollah" made a "strategic decision" in late winter 2005 or early spring 2006 "to provide more support to Sadr to increase pressure on the U.S."

j. In August 2007, the London-based *Independent* printed Sadr's August 2007 interview, in which he admitted Jaysh al-Mahdi's "formal links with Hizbollah."

367. Iranian announcements during the same 2002-2004 period also alerted MTN. In 2002, for example, Khamenei publicly reiterated his direct involvement in operational planning when he emphasized his efforts to promote the IRGC's and MODAFL's use of the Supreme National Security Council process to procure arms to wield against the Great Satan.[332] In 2003, likewise, Iran's President conspicuously adopted the Logistics Policy Directive, which supplied a potent new pipeline of regulated, percentages-based, revenue recycling within Irancell, the Foundation for the Oppressed, Iran Electronics Industries, and IEDC in which profits directly flowed back to finance operations, just as the IRGC and Hizballah were ramping up opposition to the United States in Iraq.

[332] *See*, *e.g.*, Vision of the Islamic Republic of Iran (July 31, 2002), *quoted in* BBC Newsfile, *Iran's Joint Chief Of Staff Says Military Ready To Defend Country Against USA* (July 31, 2002).

368. Defendants also knew that MODAFL—the ministry charged with arming and equipping the IRGC—was the "key player" in winning the Irancell bid,[333] and knew that their proposed joint venture partner IEI was also a weapons manufacturer that provided key weapons systems to the IRGC.

369. Defendants knew that their immediate counterparties in the negotiations with their Iranian partners—including Ali Shamkhani, Hassan Rouhani, Ebrahim Mahmoudzadeh, Mohammad Forouzandeh, and Mohammed Mokhber—were senior IRGC officers who played a direct role aiding attacks by the IRGC and Hizballah through one or more of funds, arms, operational support, or recruiting, and directly sponsored attacks targeting the United States.

370. Defendants knew that their IRGC-front counterparties preferred MTN over Turkcell because of MTN's expressed willingness to cooperate on "security" and "defense" matters, and that MTN was allowed back into the bidding process "in exchange for defence co-operation."[334]

371. Defendants knew that under their License Agreement, they were contractually required to "take all measures and provide any facilities necessary to comply with the requirements of national defense and public security"[335]—an obligation that in Iran necessarily required complicity in IRGC terrorism.

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[333] MTN Group, *Consolidated Report on Iran Visits*, 3 (July 21, 2004), *quoted in* MTN Group, Hoffmann Report, ¶79.

[334] Memorandum from Chris Kilowan to Phuthuma Nhleko, March 25, 2007, included as an exhibit (ECF 1-3) to the Turkcell complaint. The Hoffman Report appears to validate the authenticity of this memorandum. *See* MTN Group, Hoffman Report ¶250 n.257.

[335] License Agreement for Mobile (GSM Communications Network and Services Between the Ministry of Communications and Information Technology of the Islamic Republic of Iran and Irancell Telecommunications Services Company, § 8.7 (Nov. 23, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 475-76.

372. No later than 2007, Defendants knew that the U.S. had designated the IRGC-QF as a Specially Designated Global Terrorist for providing material support to terrorist groups in Afghanistan and Iraq, including Hizballah, and that in that designation Treasury warned multinational corporations, that the designations served to "notify the international private sector of the dangers of doing business with ... the many IRGC-affiliated companies that pervade several basic Iranian industries."[336]

373. By 2008, Defendants knew that senior members of IEDC and IEI, including Mahmoudzadeh, had been designated under counter-proliferation authorities for their involvement in Iran's ballistic missile and WMD programs.

374. As of today, MTN continues its relationship with the IRGC. Even after the United States designated the IRGC as an FTO on April 19, 2019, MTN refused to acknowledge any need to change its business practices in Iran for more than a year, instead rolling out a host of new offerings designed to ***increase revenue*** flowing to Irancell and, by extension, the two newly-designated-FTO-fronts that controlled Irancell.

375. On August 6, 2020—***475 days after the IRGC's FTO designation***—MTN announced that it was exiting the Middle East. Even then, however, MTN refused to condemn the IRGC refused to promise a rapid withdrawal from its terrorist joint venture, Irancell, and merely offered a blithe promise that MTN would eventually exit Irancell in four or five years (*i.e.*, sometime in 2024 or 2025).

376. MTN's ongoing refusal to immediately and unconditionally (as in weeks, not months or years) exit its joint venture with fronts for the IRGC even after the IRGC had been

[336] U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

designated as an FTO in 2019, and nearly every other multinational corporation had withdrawn from such joint ventures with Iranian fronts nearly a decade earlier, further confirms that MTN meant to support Iran-backed terror all along.

IV. Hizballah And Jaysh al-Mahdi, With Substantial Support From The IRGC, Foundation For The Oppressed, SLO, and MODAFL, Used Defendants' Resources To Commit Terrorist Attacks That Killed And Injured Americans

A. Hizballah Created, Armed, and Trained Jaysh al-Mahdi to Carry Out Terrorist Attacks Against Americans

377. Jaysh al-Mahdi's campaign of terror against Americans and Sunni Iraqis could not have occurred without the planning and authorization provided by Hizballah. Richard Armitage, the Deputy Secretary of State under President George W. Bush, has described Hizballah on *60 Minutes* as "the 'A-Team of Terrorists,'" and former CIA director George Tenet opined in 2003 that Hizballah "is [al-Qaeda's] equal if not far more capable organization." Hizballah's chief terrorist mastermind, Imad Mugniyeh, helped Sadr found Jaysh al-Mahdi to inflict "mass casualties" on Americans in Iraq and recruited many of its first members; Hizballah has since orchestrated Jaysh al-Mahdi's campaign of terror against Americans in Iraq.

1. Hizballah Co-Founded Jaysh al-Mahdi with Sadr to Carry Out a Campaign of Terror Against Americans in Iraq

378. In April 2003, Hizballah dispatched to Iraq its chief terrorist mastermind, Imad Mugniyeh, to help Muqtada al-Sadr found Jaysh al-Mahdi. Hizballah's goal, according to an October 2003 Israeli intelligence report, was to set up a terrorist network in Iraq to inflict "mass casualties" on Americans. A U.S. Special Operations task force report quoted by the *U.S. News & World Report* in 2004 explained that "Hizballah leadership believes that the struggle in Iraq is the new battleground in the fight against the U.S." As acclaimed embedded journalist Michael Totten put it in 2007, Jaysh al-Mahdi was created to be "the Iraqi branch of Hezbollah."

379. Sadr was a natural fit to lead Hizballah's campaign of terror in Iraq. In addition to being the descendant of two revered Shi'a martyrs (Sadiq al-Sadr and Baqir al-Sadr) and sharing Hizballah's affinity for violence, Sadr himself had a close relationship with Hizballah and Iran. Hassan Nasrallah, Hizballah's Secretary-General, had studied under Muqtada al-Sadr's uncle, Baqir al-Sadr. Muqtada's cousin, Musa al-Sadr, founded Hizballah's predecessor in Lebanon. A 2004 U.S. military-intelligence report (as quoted in *U.S. News & World Report* in November 2004) concluded that Sadr had a direct relationship with Hassan Nasrallah, the head of Hizballah, and that a top adviser to Nasrallah had personally delivered funds to Sadr in Najaf. Sadr himself visited Tehran and Beirut on numerous occasions. And, in 2016, Nasrallah personally brokered talks between Sadr and the Iraqi government.[337]

380. Hizballah's role in Jaysh al-Mahdi's activities was similar to its role in other terror campaigns it sponsored: Hizballah recruited, trained, armed, and directed Jaysh al-Mahdi terrorists, who carried out terrorist attacks against Americans on Hizballah's behalf. As *NBC News* reported in July 2008, Hizballah Secretary-General Hassan Nasrallah was deeply involved in Jaysh al-Mahdi's campaign of terror, reportedly spending "several hours daily dealing with 'the situation in Iraq.'"

381. Immediately after Jaysh al-Mahdi's founding in April 2003, Mugniyeh began to recruit and train soldiers for Jaysh al-Mahdi. Mugniyeh soon recruited 300 terrorists for Jaysh al-Mahdi from Shi'a communities in Kuwait and Saudi Arabia, then sent those terrorists to Lebanon for training in the use of assault rifles, booby traps, and kidnapping. These 300 fighters were some of Jaysh al-Mahdi's first members. Also that same month in April 2003, as later

[337] *See* Naharnet Newsdesk, *Report: Nasrallah Meets al-Sadr to Reconcile Him with al-Maliki*, Naharnet (Apr. 15, 2016), http://www.naharnet.com/stories/en/207104.

reported by the *Asia Times* in July 2006, Hizballah "opened two offices in the Iraqi cities of Basra and Safwan" in order to "build[ ] up [its] organizational and military apparatuses in Iraq." By August 2003, Hizballah had established permanent teams of 30 to 40 operatives in Najaf to recruit and train Jaysh al-Mahdi terrorists. At the same time, these Hizballah operatives were acquiring rocket-propelled grenades, antitank missiles, and other weapons for JAM.

382. Hizballah's involvement in Jaysh al-Mahdi's campaign of terror only grew during the subsequent months and years. By January 2004, nearly 800 Hizballah agents had been sent to Iraq, where they were deployed to direct Jaysh al-Mahdi's terrorist campaign from key Jaysh al-Mahdi strongholds in Iraq, including, but not limited to, Baghdad (Sadr City), Basra, Najaf, and Safwan, among others. Eighteen of these Hizballah operatives were detained on charges of terrorism in February 2005. An October 2006 U.S. intelligence summary (as published online) noted that "300 Hizballah terrorists from Lebanon have joined with [the] Mahdi Militia in Najaf" after travelling to Iraq on tourist visas. Mugniyeh continued to personally supervise Jaysh al-Mahdi's campaign of terror until his death in February 2008, at which point he was replaced by other Hizballah operatives. At the time Mugniyeh was killed in 2008, the U.S. government continued to view him as an ongoing threat to Americans in Iraq.

383. In addition to its terrorist mastermind Imad Mugniyeh, Hizballah deployed a litany of its senior terrorist planners to direct Jaysh al-Mahdi's campaign of terror against Americans in Iraq, including, but not limited to, the following Hizballah terrorists:

a. **Ali Mussa Daqduq (Senior Hizballah Field Commander).** Hizballah directed its senior field commander, Ali Mussa Daqduq, to work with the Quds Force to instruct Jaysh al-Mahdi on the use of EFPs, mortars, rockets, and other terrorist tactics, including kidnapping operations. The United States has found that Daqduq directly enabled attacks targeting Americans in Iraq, including Plaintiffs. In 2012, for example, Treasury

designated Daqduq as an SDGT upon finding that he directed Hizballah/JAM attacks targeting the United States from inside Iraq.[338]

b. **Muhammad Kawtharani (Nasrallah's Personal Liaison to Sadr).** Hizballah also deployed a senior cleric, Muhammad Kawtharani, to serve as a liaison to Jaysh al-Mahdi. In 2013, the U.S. Treasury Department identified Kawtharani as a member of "Hizballah's leadership" who "act[ed] for, or on behalf of Hizballah," and was "responsible for terrorist operations" in Iraq "[a]s the individual in charge of Hizballah's Iraq activities."[339] Kawtharani, as personal adviser to Nasrallah, was directly involved in coordinating attacks against Americans in Baghdad.

c. **Yusuf Hashem (Iraq Operations – Country-wide).** Hizballah also tasked another senior Hizballah terrorist commander, Yusuf Hashem, to coordinate Hizballah's Jaysh al-Mahdi operations in Iraq. In 2018, the United States designated Hashem in recognition of his vital role enabling JAM attacks against Americans in Iraq.[340]

d. **Ali Falih Hadi (Iraq Operations – Basra and Amarah).** According to a Coalition threat report dated July 16, 2008 (as published online), Ali Falih Hadi was a member of Hizballah based in Amarah in Basra Province and was "responsible for supplying" weapons to members of a joint Jaysh al-Mahdi/Hizballah cell operating in Basra.

e. **Hizballah Bombmakers.** Hizballah deployed one or more experienced bombmakers into Iraq to provide in-country direction to JAM terrorists relating to the design, manufacture, storage, and maintenance of EFPs and IEDs for use against Americans in Iraq.

384. At Hizballah's direction, Jaysh al-Mahdi escalated its attacks on Americans in Iraq beginning in the winter of 2005. As acclaimed journalist Michael Gordon reported in the *New York Times* in 2006, this escalation was the result of Hizballah's own "strategic decision" to ratchet up pressure on the United States by boosting Hizballah's "support [for] Sadr" and fostering "managed instability" in Iraq. According to Gordon's same report, a senior American intelligence official assessed that, as part of this "strategic decision" to escalate the terrorist campaign against Americans in Iraq, Iran served as "a link to Lebanese Hezbollah" and "helped

[338] *See* U.S. Dep't of Treas., *Treasury Designates Hizballah Commander Responsible for American Deaths in Iraq* (Nov. 19, 2012).

[339] U.S. Dep't of Treas., *Treasury Sanctions Hizballah Leadership* (Aug. 22, 2013).

[340] U.S. Dep't of Treas., *Treasury Sanctions Key Hizballah, IRGC-QF Networks in Iraq* (Nov. 13, 2018).

facilitate Hezbollah training inside of Iraq, but more importantly Jaish al-Mahdi members going to Lebanon" for training.

385. Jaysh al-Mahdi and Sadr publicly embraced their links to Hizballah. During his Friday sermons on March 26, 2004—in which he praised the attacks of September 11th and called for violence against Americans in Iraq—Sadr swore fealty to Hizballah in Shi'a Islamic terms, pledging support to "our victorious party, Hezbollah." Weeks later, in a sermon in April 2004, Sadr declared that he was Hizballah's "striking arm in Iraq," proclaiming: "I will support the real Islamic unity that has been created by Hassan Nasrallah, the secretary-general of the victorious Hezbollah."[341] In an August 2007 interview, Sadr again reportedly acknowledged that Jaysh al-Mahdi "ha[s] formal links with Hizbollah" and "cop[ies] Hizbollah in the way they fight and their tactics."[342] Another Jaysh al-Mahdi member told an interviewer that "[w]e learned [from Hizballah] how to take advantage of an armored vehicle's weakness"—referring to the use of EFPs—"and how to wait and kill the soldiers who try to escape."[343]

386. In the years after 2003, Jaysh al-Mahdi fighters regularly participated in anti-American marches in which they marched under Hizballah flags and banners. Tens of thousands of members of Jaysh al-Mahdi publicly swore fealty to Hizballah in various marches in Sadr City in 2006 alone, including on July 21, 2006 and August 4, 2006.

387. On August 4, 2006, more than 10,000 members of Jaysh al-Mahdi attended a joint Jaysh al-Mahdi/Hizballah march in Sadr City, which further demonstrated Hizballah's control over Jaysh al-Mahdi operations. As recounted in a field report in *Al-Jazeera*, demonstrators wore

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[341] Wire, *Iraqi Cleric Calls for Alliance with Hezbollah, Hamas*, Buffalo News (Apr. 2, 2004), http://buffalonews.com/2004/04/02/iraqi-cleric-calls-for-alliance-with-hezbollah-hamas/.

[342] Nizar Latif & Phil Sands, *Mehdi Fighters 'Trained by Hizbollah in Lebanon'*, Independent (Aug. 20, 2007).

[343] *Id.*

"white shrouds symboli[z]ing [their] willingness to die for Hizballah, waved the Lebanese guerrillas' yellow banner and chanted slogans in support of their leader, Sheik Hassan Nasrallah."[344] The crowd of Jaysh al-Mahdi fighters further declared "Mahdi Army and Hizballah are one," and chanted "Allah, Allah, give victory to Hassan Nasrallah."[345] The close, symbiotic connection between Jaysh al-Mahdi and Hizballah was summed up by Jaysh al-Mahdi members' repeated declaration at the rally: "we are Hizballah."

388. In 2009, the United States formally recognized the links between Hizballah and Jaysh al-Mahdi when it designated Jaysh al-Mahdi commander Abu Mahdi al-Muhandis as a Specially Designated Global Terrorist. The press release noted that, "[a]s of early 2007, al-Muhandis formed a Shia militia group employing instructors from Hizballah to prepare this group and certain Jaysh al-Mahdi (JAM) Special Groups for attacks against Coalition Forces."[346] According to the press release, these Jaysh al-Mahdi cells "received training in guerilla warfare, handling bombs and explosives, and employing weapons [such as] missiles, mortars, and sniper rifles" from Hizballah instructors.[347]

389. Treasury again recognized the links between Hizballah and Jaysh al-Mahdi in 2012, finding that "Hizballah, along with its Iranian allies, trained and advised Iraqi militants to carry out numerous terrorist attacks."[348] According to Treasury's findings, in 2005, "Iran asked Hizballah to form a group to train Iraqis to fight Coalition Forces in Iraq. In response, Hassan

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[344] *Iraq's Shia March for Hezbollah*, Al-Jazeera (Aug. 4, 2006), www.aljazeera.com/archive/2006/08/200849131615702691.html.

[345] *Id.*

[346] U.S. Dep't of Treas., *Treasury Designates Individual, Entity Posing Threat to Stability in Iraq* (July 2, 2009).

[347] *Id.*

[348] U.S. Dep't of Treas., *Treasury Designates Hizballah Commander Responsible for American Deaths in Iraq* (Nov. 19, 2012).

Nasrallah established a covert Hizballah unit to train and advise Iraqi militants in Jaysh al-Mahdi (JAM) and JAM Special Groups."[349] As of 2006, that unit was working with the Iranian Quds Force "to provide training and equipment to JAM Special Groups to augment their ability to inflict damage against U.S. troops." [350]

2. Hizballah Authorized Jaysh al-Mahdi's Attacks Against Americans in Iraq

390. After helping to create Jaysh al-Mahdi in April 2003, Hizballah began a wide-ranging public propaganda campaign to authorize and incite Shi'a in Iraq to join Jaysh al-Mahdi's campaign of terrorism against Americans in Iraq. It did so primarily through two channels. First, Hizballah took advantage of the reverence that Iraqi Shi'a felt towards Hizballah's senior leadership—and in particular Secretary-General Hassan Nasrallah and Grand Ayatollah Fadlallah—by having those leaders issue repeated calls to Iraqi Shi'a to join Jaysh al-Mahdi and attack Americans in Iraq. Second, Hizballah encouraged senior members of Jaysh al-Mahdi, including Sadr himself, to carry out such attacks. As a *Middle East Intelligence Bulletin* dispatch explained in March 2004, Hizballah operatives in Iraq "have focused mainly on establishing lines of communication with Iraqi Shiite leaders and distributing anti-American propaganda, but the groundwork is clearly being laid for incitement of violence in the future."[351]

391. Hizballah's message of authorization was effective because many Jaysh al-Mahdi members looked to Hizballah as a moral and religious authority on par with Sadr himself. As early as 2004, propaganda posters picturing Sadr side-by-side with Secretary-General Nasrallah appeared throughout Baghdad. In August 2006, tens of thousands of Jaysh al-Mahdi operatives

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[349] U.S. Dep't of Treas., *Treasury Designates Hizballah Commander Responsible for American Deaths in Iraq* (Nov. 19, 2012).

[350] *Id.*

[351] Gary C. Gambill, *Dossier: Hassan Nasrallah*, Middle East Intell. Bull. (Feb.-Mar. 2004).

staged a massive, public, pro-Hizballah rally in Sadr City. Rally-goers burned American flags, chanted "Death to America," and displayed the portraits of Sadr and Nasrallah side-by-side in the streets of Baghdad. Members of the rally wore white shrouds to symbolize their willingness to die for Hizballah and asked for "victory to Hassan Nasrallah."[352] Jaysh al-Mahdi members also asked "al-Sadr to consider them an extension of Hizbullah" and "expressed a genuine desire to participate with Hizbullah against" the Coalition government in Iraq.[353] In a subsequent demonstration in July 2007, Jaysh al-Mahdi members again carried signs featuring the pictures of Sadr and Nasrallah side-by-side. And, after Hizballah terrorist mastermind Imad Mugniyeh was killed in 2008, Jaysh al-Mahdi held a public funeral service for him where senior members of Jaysh al-Mahdi again declared their allegiance to Hizballah.

392. Grand Ayatollah Muhammad Hussein Fadlallah, whom the U.S. Treasury Department has called "Hizballah's Spiritual Leader,"[354] occupied a similarly exalted position among Iraqi Shi'a. Fadlallah himself became a Specially Designated Terrorist in 1995[355] as a result of his role as a "Leading Ideological Figure of Hizballah."[356] Among other things, the U.S. government concluded that "Sheikh Muhammad Hussein Fadlallah, Hizballah's chief 'spiritual leader,' reportedly issued the *fatwa* (religious ruling) authorizing the Marine Corps barracks

[352] *Shiites Hold pro-Hezbollah Rally in Baghdad*, NBC News (Aug. 4, 2006).

[353] Middle East Media Research Inst., *Iraqi Shi'a View of the Lebanon Crisis*, Inquiry & Analysis Series No. 290 (Aug. 11, 2006).

[354] U.S. Dep't of Treas., *Treasury Designates Islamic Extremist, Two Companies Supporting Hizballah in Tri-Border Area* (June 10, 2004).

[355] *Id.*

[356] U.S. Dep't of Treas., *Publication of the Hizballah International Financing Prevention Act of 2015 Related Sanctions Regulations; Counter Terrorism Designations Updates; Syria Designations Updates* (Apr. 15, 2016).

bombing" in Beirut in 1983,[357] which was the deadliest terrorist attack against America before September 11th. Although he was of Lebanese descent, Fadlallah was born in Najaf, grew up in Najaf, studied in Najaf, reportedly spoke with an Iraqi accent, was a respected Shi'a theologian, and was close with the Sadr family, including the First and Second Martyrs as well as Muqtada himself. When Fadlallah died in 2010, Muqtada al-Sadr called on his followers to observe three days of mourning in honor of Hizballah's spiritual leader.

393. Hizballah's religious and moral authority was especially powerful because Jaysh al-Mahdi, like many other terrorist organizations, looked to religious authorities for validation. As Professor Bruce Hoffman has explained, "'Shiites do not believe in the legitimate authority of secular governments.'"[358] Instead, "religion serves as a legitimizing force – conveyed by sacred text or imparted via clerical authorities claiming to speak for the divine."[359] Thus, for religious terrorist organizations such as Jaysh al-Mahdi, "violence first and foremost is a sacramental act or divine duty executed in direct response to some theological demand or imperative."[360] As prominent voices in Shi'a Islam, Grand Ayatollah Fadlallah and Secretary-General Nasrallah were especially influential among members of Jaysh al-Mahdi.

394. Hizballah's leaders leveraged their moral and religious authority over Jaysh al-Mahdi by publicly calling for "jihad" and issuing *fatwas* against Americans in Iraq.[361] An April 2003 dispatch from the *Middle East Intelligence Bulletin* reported that "Hezbollah has recently

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[357] Gov't's Written Proffer in Support of Its Request for Detention Pending Trial at 7, *United States v. D-2 Elfat El Aouar*, Crim. No. 06-20248 (E.D. Mich. filed May 22, 2006), ECF No. 8.

[358] Bruce Hoffman, *"Holy Terror": The Implications of Terrorism Motivated by a Religious Imperative*, 18 Stud. in Conflict & Terrorism 271, 274 (1995) (internal quotations omitted).

[359] *Id.* at 271, 272.

[360] *Id.*

[361] Niles Lathem, *House of Jihad*, N.Y. Post (Feb. 5, 2007).

begun a campaign to incite opposition to American forces in Iraq" by broadcasting propaganda to millions of Arab viewers (including Shi'a in Iraq) on its television station al-Manar.[362] Such propaganda, which explicitly called for acts of "resistance" against Americans in Iraq, made up more than one-quarter of al-Manar's content.[363]

395. In furtherance of this campaign, Secretary-General Nasrallah made repeated and direct communications to Iraqi Jaysh al-Mahdi members to attack Americans:

396. In a March 2003 speech, Nasrallah publicly declared Hizballah's support for attacks against Americans, promising that "peoples of this part of the world will receive [America] . . . ***with guns, blood, weapons, and martyrdom operations***."[364]

397. In an April 2003 speech, Nasrallah directly called on Iraqi Shi'a to attack Americans in Iraq, declaring that "***[t]he Iraqi people must resist this occupation***" and that "[w]e can bet that the Iraqi people will resist the American occupation and liberate themselves."[365]

398. In an October 2006 interview that aired on Al-Jazeera, Nasrallah stated: "We consider the resistance in Iraq . . . to be legitimate resistance, which is justified and appropriate . . . and ***we support and endorse this resistance***."[366]

399. In a January 2007 interview broadcast on al-Manar, Nasrallah declared: "We support the option of a comprehensive Iraqi resistance, with all its aspects, especially the military

[362] Avi Jorisch, *Al-Manar and the War in Iraq*, Middle East Intell. Bull. (Apr. 2003).

[363] *Id.*

[364] Nicholas Noe, *Voice of Hezbollah: The Statements of Sayyed Hassan Nasrallah*, 285 (2007).

[365] Deborah Horan, *Hezbollah Chief to Iraqis: Resist U.S.*, Chi. Trib. (Apr. 23, 2003).

[366] Excerpts from Interview with Hassan Nasrallah, Middle East Media Research Inst. TV Monitor Project (Oct. 31, 2006).

aspect. We believe that the solution in Iraq begins with adopting the option of armed resistance – ***jihad against the occupation forces***."[367]

400. In a December 2009 speech broadcast on al-Manar, Nasrallah promised "***all-out war***" against "the Great Satan" of America over a chorus of "Death to America" chants.[368]

401. Nasrallah's call for "jihad" was particularly potent because of its religious significance. As one federal court has explained, a "jihad" is a "religiously sanctioned resistance against perceived enemies of Islam."[369] This religious sanctioning was thus highly significant to members of Jaysh al-Mahdi, a militantly Shi'a terrorist organization that frequently engaged in religious violence.

402. Grand Ayatollah Fadlallah echoed similar themes in an August 2004 *fatwa* in which he instructed the Shi'a in Iraq that it was their religious duty to attack American military and civilian personnel in Iraq as a means of resisting the occupation. "A Fatwa is an edict of a religious leader, authorizing a faithful Muslim to commit murder."[370] The Grand Ayatollah's *fatwa*, which received widespread coverage in the Iraqi and Western media, was a critical green light for Jaysh al-Mahdi terrorists in Iraq to attack Americans in Iraq.

403. Until Fadlallah's death in 2010, he consistently incited his Shi'a followers in Iraq and Lebanon to attack Americans. In at least six Friday sermons in the Imam Hassanayn Mosque in Beirut that took place between February and April 2003—sermons that would have been widely shared in Iraq and would have undoubtedly been known to Sadr and other leaders of

[367] Niles Lathem, *House of Jihad*, N.Y. Post (Feb. 5, 2007).

[368] Excerpts from December 25, 2009 Speech by Hassan Nasrallah, Middle East Media Research Inst. (Dec. 29, 2009).

[369] *Bluth v. Islamic Republic of Iran*, 203 F. Supp. 3d 1, 7 (D.D.C. 2016).

[370] *Elahi v. Islamic Republic of Iran*, 124 F. Supp. 2d 97, 103 n.8 (D.D.C. 2000).

Jaysh al-Mahdi—Fadlallah blessed the calls made by others such as Nasrallah for Iraqi Shiites to violently resist the U.S. occupation.

404. Information gathered by Coalition forces during raids upon Jaysh al-Mahdi confirmed the power of Nasrallah's and Fadlallah's messages of authorization. For example, according to a U.S. military incident report (as published online), an October 9, 2008 raid on a Jaysh al-Mahdi safe house in Basra yielded "religious Iranian video clips," "MAS [*i.e.*, Muqtada al-Sadr] literature," a "[n]otebook with JAM computer training dated 11 Jan 2007," and a "[p]icture of Mohammad Hussein Fadala [sic]" who was identified in the report as a "Deputy of Hassan Wasrala [sic] (Hezbollah)."

405. Hizballah also wielded significant influence over Sadr himself, who had deep personal ties to Hizballah's leaders. *The Arab Weekly* reported that Sadr was "greatly inspired by Hassan Nasrallah" in part because "both men rose to lead their parties at a fairly young age."[371] According to a March 2007 report by the Jamestown Foundation, a counterterrorism think tank, Sadr "has looked up to Hezbollah of Lebanon as a model of Shiite military success[,] [because] [h]e respects the leadership of the organization and admires [Hassan Nasrallah]."[372] Accordingly, Sadr publicly declared his loyalty to Hizballah; co-founded Jaysh al-Mahdi with the help of Hizballah's chief terrorist mastermind, Imad Mugniyeh; expressly modelled his organization on Hizballah; and travelled to Beirut (where Hizballah is headquartered) several times from 2005-2009. Hizballah used its close relationship with Sadr to authorize and incite him to organize a terror campaign that would inflict "mass casualties" against Americans in Iraq.

[371] Sami Moubayed, *Iran Invests in Iraq's Mahdi Army*, Arab Weekly (May 22, 2016).

[372] Babak Rahimi, *Moqtada al-Sadr's New Alliance with Tehran*, Jamestown Found. (Mar. 1, 2007), https://jamestown.org/program/moqtada-al-sadrs-new-alliance-with-tehran/.

406. Hizballah's leaders have directly connected Hizballah's authorization of terror attacks against Americans in Iraq to Hizballah's terrorist objective of forcing the U.S. to abandon Iraq. For example, in a speech on October 25, 2011, Nasrallah stated that "resistance groups" Hizballah had backed (that is, Jaysh al-Mahdi) pressured the U.S. to reduce its presence in Iraq. In the same speech, Nasrallah boasted that the Hizballah-Jaysh al-Mahdi campaign of terror against Americans in Iraq should be considered a model for terrorist campaigns against the U.S. and its allies around the world.

3. Hizballah Planned Jaysh al-Mahdi's Terrorist Attacks Against Americans in Iraq

407. Hizballah trained Jaysh al-Mahdi in the use of weapons and tactics that were specifically designed to target Americans in Iraq—and that Jaysh al-Mahdi in fact used successfully to perpetrate terrorist attacks against Americans in Iraq. This training began at Jaysh al-Mahdi's inception in April 2003, when Imad Mugniyeh recruited and trained some of Jaysh al-Mahdi's first 300 fighters in Lebanon. It continued through at least 2008, when Hizballah held training camps for Jaysh al-Mahdi fighters in Iran (in conjunction with Iran's Quds Force), Lebanon, and Iraq. According to a captured Jaysh al-Mahdi operative, paraphrased in an unclassified (as redacted) U.S. military-intelligence report, "[w]ithout a doubt, all training received in Iran"—at Hizballah-run camps—"is intended for use against [Coalition forces]."[373]

408. From 2003-2008, Jaysh al-Mahdi recruits travelled to Hizballah training camps in Lebanon and Iran through meticulously planned routes. Because of the logistical challenges associated with bringing Jaysh al-Mahdi militants into Iran and Lebanon, Hizballah occasionally trained members of Jaysh al-Mahdi to become "master trainers," who learned terrorist tactics

[373] Combating Terrorism Ctr. at West Point Harmony Program, Redacted Intelligence Report 002, 2 (Spring 2007-Early 2008).

from Hizballah in Iran or Lebanon and then passed that knowledge on to other Jaysh al-Mahdi members in Iraq.[374] U.S. officials have referred to this practice as "training the trainer."[375] Hizballah also trained members of Jaysh al-Mahdi inside of Iraq, including, but not limited to, in Sadr City, Najaf, Basra, and Safwan.

409. Although Hizballah training in Iran often occurred in conjunction with the Iranian Quds Force, Hizballah's role was crucial to Jaysh al-Mahdi for at least three reasons. First, Hizballah operatives had considerably more experience with terrorist tactics and explosives than their Quds Force counterparts. Second, Hizballah operatives typically spoke Arabic, the language spoken by most Jaysh al-Mahdi members, while members of the Quds Force did not. Third, Hizballah and Jaysh al-Mahdi shared a cultural affinity; captured Iraqi fighters have expressed their strong preference for training with Hizballah over the Quds Force.

410. Hizballah's training was rigorous. According to unclassified (as redacted) U.S. military-intelligence reports, Hizballah's training camps lasted anywhere from three weeks to several months.[376] Trainees were awakened at 5:30 a.m. every day to pray and exercise. Classes started at 8:00 a.m. and continued until dusk. Each class lasted roughly 50 minutes, with 10-minute breaks in between classes. Some classes were held in actual classrooms with whiteboards and projectors; others were held at firing ranges and other outdoor locations. The training included programs in a myriad of skills, including "[w]eapons, bomb-making, intelligence, assassinations, the [gamut] of skill sets," according to a U.S. intelligence official quoted in the

[374] Michael Gordon, *Hezbollah Trains Iraqis in Iran, Officials Say*, N.Y. Times (May 5, 2008).
[375] *Id.*
[376] *See* Combating Terrorism Ctr. at West Point Harmony Program, Redacted Intelligence Report 005, 2-3 (Spring 2007-Early 2008).

New York Times in November 2006.[377] The topics covered in these training programs included the following:

411. **Basic Weapons Training.** Many Jaysh al-Mahdi recruits had little to no combat experience or weapons training when they joined the organization, because the only qualification that prospective Jaysh al-Mahdi recruits were expected to have was the ability to read and write. Accordingly, Hizballah provided basic training intended to give new Jaysh al-Mahdi recruits a broad overview of terrorist attack tactics and weapons use, as well as specific training in the use of pistols, AK-47s, machine guns, and sniper rifles.

412. **Improvised Explosive Devices (IEDs).** Hizballah trained Jaysh al-Mahdi members in the creation and deployment of IEDs. For instance, Hizballah provided an IED Specialty Training Course to members of Jaysh al-Mahdi at its training camps designed to teach Jaysh al-Mahdi fighters how to create and deploy improvised explosives such as roadside bombs.

413. **Explosively Formed Penetrators (EFPs).** In 2004, Hizballah "introduced [to Iraq] a new breed of roadside bomb more lethal than any seen before"—the EFP.[378] Hizballah trained members of Jaysh al-Mahdi in the deployment of EFPs, which were expressly designed to penetrate the American armor. Hizballah was essential to those EFP training efforts because Hizballah fighters had direct experience using EFPs against Israeli armor in Lebanon. Indeed, at that point, Hizballah was the world's foremost expert on EFPs. Hizballah also imparted to Jaysh al-Mahdi the complex expertise required to manufacture and use EFPs, and drawing on its experience in Lebanon, Hizballah instructed Jaysh al-Mahdi to use EFPs against American soldiers. The *New York Times* reported in 2013 that "Iran passed E.F.P. technology to the

[377] MichelGordon & Dexter Filkins, *Some Mahdi Army Fighters Trained with Hezbollah*, N.Y. Times (Nov. 28, 2006).

[378] Michael Ware, *Inside Iran's Secret War for Iraq*, Time (Aug. 22, 2005).

Lebanese militia Hizballah, which in turn passed E.F.P. kits to proxy groups fighting in Iraq."[379] The EFP factory that Iraqi forces discovered in Jaysh al-Mahdi's Sadr City stronghold in October 2008, was likely built using the EFP technology that Hizballah had provided to Jaysh al-Mahdi. As a declassified British intelligence report concluded, EFPs used in Iraq during this time period were "exclusively associated with Hizballah."[380]

414. Hizballah planned the Jaysh al-Mahdi EFP terrorist attack campaign (as with the other Jaysh al-Mahdi attacks outlined in this Complaint) in Iraq through the extensive training and coordination set forth above. Hizballah's planning of Jaysh al-Mahdi's EFP attacks against Americans included: (1) targeting specific geographies in Iraq, such as Baghdad and Basra, where Jaysh al-Mahdi was permitted to launch EFP attacks; (2) instructing Jaysh al-Mahdi to use EFPs against American armored vehicles in the first instance; (3) providing technical assistance to Jaysh al-Mahdi with respect to EFP design schematics and concepts; (4) helping manufacture EFPs for use against Americans in Iraq; (5) training senior Jaysh al-Mahdi terrorist commanders in Lebanon, Baghdad, and Iran with respect to all aspects of the EFP network, from design, to manufacture, to transportation, to attack strategy; (6) training lower-level Jaysh al-Mahdi members in camps in Lebanon, Sadr City, and Iran with respect to EFP tactics; (7) preparing and distributing sophisticated, high production value Arabic-language CD-ROMs and instructional videos concerning EFPs; and (8) forward deploying senior Hizballah terrorists, including but not limited to Daqduq, to coordinate EFP attacks against Americans.

415. **Rockets.** Hizballah trained members of Jaysh al-Mahdi in the use of rocket launchers and anti-aircraft missiles. In particular, Hizballah directed Jaysh al-Mahdi members to

[379] John Ismay, *The Most Lethal Weapon Americans Faced in Iraq*, N.Y. Times (Oct. 18, 2013).
[380] Minute, Deputy Chief of Assessments Staff to Sir Nigel Sheinwald, Iraq: Lebanese Training including manuscript comment Blair (May 3, 2007).

launch indirect-fire rocket attacks on the Green Zone from Sadr City, and it instructed them on how to do so. Hizballah's direction to fire rockets on the Green Zone specifically included the indirect-fire attacks in early 2008 that precipitated the Battle of Sadr City. During these attacks in 2008, Jaysh al-Mahdi rocket teams showed an ability to hit specific targets several miles away, demonstrating the effectiveness of Hizballah's instruction. By that point, Hizballah had become renowned for its use of rockets during the 2006 Israel-Hizballah war, when it fired rockets at civilian targets in northern Israel. Indeed, the *Long War Journal* reported that the rockets Jaysh al-Mahdi fired into Baghdad's Green Zone were "the same rockets Hezbollah fired into northern Israel from Lebanon during the Israel-Hezbollah war in the summer of 2006."[381]

416. **Mortars.** Hizballah trained Jaysh al-Mahdi fighters in the use of mortars, including by providing a Mortar Specialty Training Course to members of Jaysh al-Mahdi at its training camps in Iran. The purpose of this training was to teach Jaysh al-Mahdi militants to hit distant targets with mortar strikes. American military personnel have noted that Jaysh al-Mahdi's mortar strikes were particularly accurate.

417. **RPGs and Anti-Tank Missiles.** Hizballah trained Jaysh al-Mahdi operatives in the use of RPGs and advanced anti-tank missiles, including assembly, firing procedures, target acquisition, and the use of various kinds of munitions. Hizballah's RPG and anti-tank missile training focused on attacks against armored vehicles and command structures such as the ones the United States used in Iraq. For example, a Hizballah "planning guide" that U.S. forces recovered from Daqduq provided tactical instructions to Jaysh al-Mahdi terrorists for the use of RPGs against Americans, including commands concerning volume of fire and specific vehicles in the convoy to target in order to inflict maximum casualties.

[381] Bill Roggio, *Mahdi Rocket Teams Destroyed in Sadr City*, Long War J. (June 3, 2007).

418. **Complex Attacks.** Hizballah training programs emphasized "complex attacks" and small-group tactics that combine different types of attacks by different members of a team. One unclassified (as redacted) U.S. military-intelligence report summarized these tactics:

> For example, an engineer team may be responsible for emplacing and detonating IEDs on a convoy while a Support Weapons team is simultaneously responsible for launching mortars or rockets at the same vehicles. A conventional weapons team would then be responsible for firing at the vehicles with small arms and assaulting the vehicles. The Support Weapons team would be responsible for launching mortars at the vehicles again once the conventional weapons team pulled back. Each team functions together but does not get involved in what the other team is doing. A plan would be worked out ahead of time for this, and one individual in each team would be responsible for coordinating with the other team leaders during the attack.[382]

419. Hizballah also instructed Jaysh al-Mahdi operatives "on how to conduct precision, military style kidnappings," according to a 2006 U.S. government cable (as quoted in the *New York Times*).[383]

420. **Kidnappings**. Hizballah is well-known for its kidnapping operations. In 2006, for example, Hizballah agents conducted cross-border raids into Israel and abducted a number of Israeli soldiers. Hizballah also trained Jaysh al-Mahdi operatives "on how to conduct precision, military style kidnappings," according to a 2006 U.S. government cable (as quoted in the *New York Times*).[384] Jaysh al-Mahdi put this training to use during the 2007 raid on the Provincial Joint Coordination Center in Karbala, where Jaysh al-Mahdi terrorists kidnapped four U.S. soldiers and killed another. And a 2011 letter from five U.S. Senators documented that Hizballah operative Daqduq instructed

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[382] Combating Terrorism Ctr. at West Point Harmony Program, Redacted Intelligence Report 001, 3 (Spring 2007-Early 2008).

[383] *The War Logs: Secret Dispatches From the War in Iraq*, *Alleged Jaysh Al-Mahdi Plans to Kidnap U.S. Soldiers in Baghdad, Iraq*, N.Y. Times (Dec. 22, 2006).

[384] *Id*.

"Iraqi extremists" who were part of Jaysh al-Mahdi on "how to conduct intelligence and kidnapping operations."

421. The extent of Hizballah's involvement in Jaysh al-Mahdi's attacks was demonstrated by evidence gathered in connection with Daqduq's capture in 2007, which included a document described by five U.S. Senators as a 22-page "planning guide" memorializing Hizballah's wide-ranging involvement in the terrorist attacks detailed above. This "planning guide" included specific instructions describing how to plant IEDs and carry out abductions of Americans. Hizballah's instruction as reflected in this "planning guide" enabled Jaysh al-Mahdi to execute an array of sophisticated attacks against Americans that it otherwise would have been unable to carry out.

4. Hizballah Provided Jaysh al-Mahdi with Weapons To Carry Out Terrorist Attacks Against Americans in Iraq

422. Hizballah supplied many of the weapons that Jaysh al-Mahdi used to commit acts of terror against Americans in Iraq—though Jaysh al-Mahdi still required money and resources (derived in significant part from its control of MOH) to acquire those weapons and transport them to the appropriate cells in Iraq. A Jaysh al-Mahdi commander told journalists in June 2007 that "[a]ll of the Mahdi Army's weapons except for the AK-47 rifles come from Iran."[385]

423. Hizballah facilitated the flow of these weapons from Iran into Iraq by working with Jaysh al-Mahdi to set up cross-border smuggling networks. The *Long War Journal* reported in June 2007 that rockets that Jaysh al-Mahdi fired into Baghdad's Green Zone were "the same rockets Hezbollah fired into northern Israel from Lebanon during the Israel-Hezbollah war in the summer of 2006."[386] Later that year, on August 12, 2008, Coalition forces arrested nine

[385] Leila Fadel, *Chilling Stories from the Mahdi Army*, McClatchy DC (June 22, 2007).
[386] Bill Roggio, *Mahdi Rocket Teams Destroyed in Sadr City*, Long War J. (June 3, 2007).

Hizballah members who had been funneling weapons into Iraq. Hizballah's involvement in these smuggling operations accorded with its longstanding role as Iran's weapons smuggler (including its attempt in 2003 to smuggle 50 tons of weapons from Iran to the Palestinian Authority, the largest Iranian-linked smuggling operation ever uncovered).

424. Hizballah has also purchased weapons for Jaysh al-Mahdi outright. For example, according to a U.S. military-intelligence document (as quoted in *U.S. News & World Report* in 2004), "Hezbollah was 'buying rocket-propelled grenades . . . antitank missiles' and other weapons for Sadr's militia."[387]

425. Weapons supplied to Jaysh al-Mahdi by Hizballah include the same types of weapons on which Hizballah trained Jaysh al-Mahdi: small arms, IEDs, EFPs, rockets, mortars, and RPGs. These weapons were first smuggled into the Jaysh al-Mahdi command-and-control safe haven of Sadr City and then distributed to Jaysh al-Mahdi cells in outlying provinces. For attacks carried out with those weapons, Hizballah not only trained Jaysh al-Mahdi how to use them; it supplied the weapons themselves.

B. Hizballah Jointly Committed Attacks Alongside JAM in Baghdad, Basra, and a Subset of Other Iraqi Geographies Where Shia Terrorists Were Dominant

426. Hizballah also jointly committed attacks alongside Jaysh al-Mahdi through such terrorist groups' joint cell approach.

427. Such joint Hizballah/JAM attacks did not occur in most parts of Iraq, or even most attacks by JAM. Instead, joint Hizballah/JAM cells operated in a limited number of Shia strongholds in Iraq, including Baghdad Province (from Sadr City), Basrah Province (from Basrah and Amarah), and several other locations in Iraq, and also were further limited by attack types

[387] Edward T. Pound, *Special Report: The Iran Connection,* U.S. News & World Report (Nov. 22, 2004) (alteration in original).

that tightly correlated with Hizballah involvement, including EFPs, rockets, and hostage-taking attacks to name three examples. The attacks alleged below fit this pattern.

428. Hizballah trained, coordinated with, and fought alongside Jaysh al-Mahdi terrorists through joint Hizballah/Jaysh al-Mahdi cells who were responsible for Hizballah-authorized terrorist attacks in the small minority of Iraqi geographies set forth below, each of which featured joint Hizballah/Jaysh al-Mahdi cells that conducted EFP, rocket, hostage-taking, and complex attacks targeting the United States in such area:

429. **Basra and Amarah (Southern Iraq).** Basra and Amarah are Jaysh al-Mahdi strongholds in southern Iraq. Hizballah trained, locally supported, and coordinated with Jaysh al-Mahdi cells operating in and near Basra and Amarah. In 2008, for example, U.S. military reports (as published online) confirmed that five terrorist squads, comprised of "a combination of Hezbollah and JAM who finished their training in Iran" were "heading to Basrah to attack [Coalition forces]" and "carry out terrorist activities" after "coming back from Iran," where they had been "trained" on how to "use [indirect fire] techniques" and "manufactur[e] IEDs." Joint Hizballah/JAM cells that reflected a "combination of Hezbollah and JAM" were responsible for the attacks that resulted in the hostage-taking, torture, and murder of Michael Chand, Joshua Munns, Paul Johnson-Reuben, Jonathon Coté, Ronnie Withrow, and John Young, all of which hostage-takings the U.S. government specifically identified as Hizballah events.

430. **Baghdad – Sadr City (Thawra District).** Sadr City serves as Jaysh al-Mahdi's command-and-control center, safe haven, and principal power base in Iraq. Hizballah trained, locally supported, and coordinated with Jaysh al-Mahdi IED/EFP cells operating in and near Sadr City, with respect to both the attacks themselves and the subsequent Hizballah and Jaysh al-Mahdi propaganda concerning such attacks, and Hizballah helped conduct such attacks through a

joint Hizballah/JAM cell based in Sadr City. For example, an August 12, 2008 U.S. military incident report (as published online) confirmed that a "Hezbollah IED/EFP . . . cell" was active in and near Sadr City and was coordinating EFP attacks against Coalition forces with a "recon [Jaysh al-Mahdi] element working in the area." Joint Hizballah/Jaysh al-Mahdi cells operating in and near Sadr City were responsible for the attacks in or near Sadr City against, among others, Plaintiffs Luis Rosa-Valentin, Daniel Dudek, Brian Connelly, Steven Farley, Sean Thomas, John Daggett, Randell Olguin, Nicole Suveges, Anthony Farina, Luis Garza, Anthony Gerber, Charles Gregston, Adam Magers, Mark Thomsen, and the Blue Spader and 2-30 Wild Boar plaintiffs.

431. **Baghdad – New Baghdad District, Karadah District, and FOB Rustamiyah.** New Baghdad, Karadah, and the area near Forward Operating Base ("FOB") Rustamiyah were focal points for Hizballah-coordinated attacks by Jaysh al-Mahdi in eastern Baghdad. For example, one U.S. military report dated March 16, 2008 (as published online) concluded that, with respect to attacks near FOB Rustamiyah, it was "most likely" that "Hezbollah operatives [were] directing [Jaysh al-Mahdi] to conduct [indirect fire] attacks against [Coalition forces] in [the] Baghdad area." Similarly, according to an arrest report dated June 23, 2008 (as published online), Abu Aloze served as "JAM leadership" in the area, was responsible for coordinating attacks against Americans in the New Baghdad and Karadah Districts (including against FOBs in the area), and was specifically trained by Hizballah in Lebanon. Jaysh al-Mahdi Hizballah-trained cells operating in this area, were responsible for the attacks that killed and wounded the 2-16 Ranger Plaintiffs, *see infra*, as well as the attacks that killed Brian L. Holden, Richard Vaughn, Phillip A. Murphy-Sweet, Daniel J. Kuhlmeier, Andres J. Contreras, Patrick Miller, and David Taylor, Jr., and such cells were responsible for the attacks that injured, among others, Karar Alabsawi, Evan Bogart, Brian Taylor, and David Woodard.

432. **Baghdad – Rusafa District.** Rusafa is a Jaysh al-Mahdi stronghold in eastern Baghdad that includes the MOH headquarters building. Hizballah trained, locally supported, and coordinated with the Jaysh al-Mahdi IED/EFP cell operating in and near Rusafa, and operated a joint Hizballah/JAM cell out of Sadr City that conducted attacks in Rusafa. For example, Jaysh al-Mahdi cells trained by Hizballah in Iran used Rusafa to launch rocket attacks on the Green Zone. Hizballah-backed Jaysh al-Mahdi cells operating in Rusafa were responsible for the attacks in Rusafa that killed, among others, Delmar White.

433. **Baghdad – Al Rashid District.** Al Rashid includes a main approach to Baghdad International Airport ("BIAP") and Victory Base Complex, a consolidated facility containing a range of Coalition military and civilian personnel that surrounded Baghdad International Airport ("BIAP") and so was a focus of Jaysh al-Mahdi's attacks in western Baghdad. Jaysh al-Mahdi coordinated attacks against Coalition forces in the Al Rashid District with Hizballah, which operated a joint Hizballah/JAM cell out of Sadr City that conducted attacks in Al Rashia. According to a U.S. military incident report (as published online), "JAM/Hizballah members operating" in Al Rashid coordinated through Haji Abu Ali and Mohammad Kawtharani, the latter of whom personally advised Nasrallah. Such coordination also reportedly involved Jabbar Abdalnabi Alzarjawi, a "JAM leader" in Al Rashid who "facilitated . . . the movement of Hizballah members from Iran" into western Baghdad. Hizballah-backed Jaysh al-Mahdi cells operating in Al Rashid were responsible for the attacks that killed, among others, Christopher Neiberger, Ronald Tucker, Samuel Parlin, and Daniel Fuentes, and injured Shawn Ryan and Grant Von Letkemann II.

434. **Babil, Wasit, and Salman Pak (Central Iraq).** Hizballah trained, locally supported, and coordinated with Jaysh al-Mahdi cells operating in central Iraq, including Babil,

Wasit, and Salman Pak, including through the use of a joint Hizballah/Jaysh al-Mahdi cell in the area. According to a U.S. government report dated June 15, 2008 (as published online), Ahmad Sahib Ghali was a commander of Jaysh al-Mahdi's "assassination cell and IED cell" in Hillah. Ghali and his co-commanders were Jaysh al-Mahdi terrorists who were trained by Hizballah to conduct attacks against Coalition forces near Hillah. Jaysh al-Mahdi Hizballah-trained terrorists operating in these areas out of a joint Hizballah/JAM cell were responsible for the EFP attacks that killed or injured Michael Doheny, Steven Evrard, Micah Shaw, Billy Johnson, Kevin Landeck, Laurent West, Jesse Ault, William Juneau, and David Veverka, and a Jaysh al-Mahdi Hizballah-trained cell operating in Salman Pak was responsible for the EFP attack that killed Blake Stephens.

V. Defendants' Provision Of Substantial Aid And Support To Terrorists Had A Substantial Nexus To The United States

A. Defendants' Conduct Targeted the United States

435. MTN's joint venture with the IRGC and its related assistance for Iran's terrorist proxy groups relied on significant contacts with the United States. MTN Group was a key player in orchestrating both those U.S. contacts and MTN's material support to the IRGC and terrorist proxy groups.

436. MTN employs a top-down management structure in which MTN Group centralizes operational control over the functions performed by its various subsidiaries. During the relevant timeframe, MTN Group divided responsibility for its subsidiaries into six business groups; Irancell (and Afghanistan) fell under the purview of the Middle East and North Africa ("MENA") group. The MENA group's functional units resided in Dubai and reported directly to senior management in South Africa.

437. Because MTN's business model depends on unstable countries, including Iran, one of MTN Group's core management responsibilities is to manage operational and political risk in the countries MTN enters. Assessments of those risks occur both before the decision to enter a market – here, as MTN entered Afghanistan in the mid-2000s – and on an ongoing basis. In mitigating those risks – which here included designing a strategy for coordinating MTN's operational support for the IRGC in Dubai and Iran – MTN Group implemented a number of measures, including the "appointment of a Group crisis manager"; the implementation of "physical and staff security measures"; and "[c]ontinual monitoring of the political environment in operating countries." MTN Group, not its operating subsidiaries, decided to do business with the IRGC (including Qods Force) fronts, and developed MTN's strategy related thereto.

438. Those policies required MTN Group's close supervision of MTN's payments to Qods Force fronts, operatives, and agents, and Irancell's joint venture with the IRGC. As explained above, MTN Group made the decision – and instructed its subsidiary – to enter into a joint venture with the IRGC. MTN Group also approved its subsidiary's practice of providing payments and operational support to the IRGC including sourcing hundreds of sensitive dual-use items for IRGC, including Qods Force fronts, operatives, and agents inside and outside Iran in Dubai to benefit the Iranian IRGC's terrorist enterprise. Those decisions had a substantial connection to the United States for the reasons explained below.

439. MTN's resulting provision of material support to the IRGC (including its Hizballah Division and Qods Force), Hizballah, and Jaysh al-Mahdi, was expressly aimed at the United States. At all relevant times, MTN knew that the IRGC, Hizballah, and their Iraqi proxy Jaysh al-Mahdi were targeting the United States, including its military servicemembers and civilians. The Joint Cells operated by Hizballah and Jaysh al-Mahdi with vital IRGC support

(including MODAFL arms and Foundation for the Oppressed funds) did not conduct an indiscriminate terrorist campaign that merely injured Americans by chance. Instead, these Joint Cells directed attacks at *Americans* with the specific intent of killing *Americans* in particular – so that they could inflict pain in the United States and influence U.S. policy. As the United States found when Treasury announced the Qods Force's designation as a SDGT in 2007, "the Qods Force provides lethal support in the form of weapons, training, funding, and guidance to select groups of Iraqi Shi'a militants who target and kill Coalition … forces…."[388] Hizballah's, Jaysh al-Mahdi's, and their IRGC sponsors' ultimate, shared, publicly-stated goal was to effect a withdrawal of American forces from Iraq. Each terrorist attack that killed and injured Plaintiffs was part of that campaign of anti-American terrorism.

440. MTN's decision to reach into the United States to obtain embargoed dual-use technology to aid the IRGC's terrorist enterprise was also expressly aimed at the United States. MTN knew, based on conversations with IRGC, including Qods Force, agents that the IRGC viewed MTN's assistance to the IRGC as vital to Iran's ability to protect the "security" of its Islamist revolution, *i.e.*, external terror operations aimed to spread the revolution and counteract the Great Satan (the United States). MTN knew that the IRGC's understanding of what was needed to protect Iranian "security" inherently involved terrorist violence against Americans as part of Iran's effort to export its Islamist revolution and drive the U.S. out of the Middle East.

441. Internal MTN Group documents confirm MTN's knowledge of its counterparties' objectives early on. One slide deck prepared by MTN Group in 2006 entitled "Middle East and Iran" described Iran as "the key and most vocal protagonist in the fight against America's quest

[388] U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

for world hegemony."[389] MTN also acknowledged in that presentation that although Iran was not involved in any "violent conflict" with the U.S., the country was in a "***stand-off with America and Europe***."[390] MTN Group also acknowledged internally that "[t]he defining characteristic of [its securing the Irancell license and entering into the joint venture with the Iranian Shareholders] was the political forces that were marshalled in support of MTN and it can therefore be concluded on an unequivocal basis that MTN's entry into the Islamic Republic of Iran was at its core due to political decisions taken at the highest levels in Iran." MTN Group understood that the "highest levels" of political decisionmaking in Iran would not have pushed so forcefully for it to win the Irancell license without a clear understanding that MTN Group was aligned with the Supreme Leader on his most important geopolitical priorities, including its "resistance" against America and her global interests and influence.

442. MTN also knew, based on conversations with U.S. officials, that it was assuming an active role in an IRGC, including Qods Force, plot to develop cash flow and to source vital dual-use components for the IRGC and its proxies. MTN further knew of the key importance that communications and computing technology plays for terrorists.

443. When MTN sourced embargoed technology that the United States had publicly declared would threaten U.S. national security interests should that technology reach the IRGC, including by augmenting the IRGC's efforts to kill others and/or otherwise sponsor those killings, MTN intentionally helped arm terrorists it knew were targeting the United States. Indeed, the IRGC's direct statement in their contract with MTN obligated MTN to help the IRGC protect Iran's "security." MTN at all times knew or recklessly disregarded that "security"

[389] MTN Group, "Middle East and Iran," (Dec. 2006) (MTN-GROUP-000000949, at -951).
[390] MTN Group, "Middle East and Iran," (Dec. 2006) (MTN-GROUP-000000949, at -952).

was a euphemism for IRGC, including Qods Force, terrorist operations outside of the territorial borders of Iran. When MTN obtained the technology requested by its partners in the IRGC, MTN targeted the United States by helping the terrorists improve their bombs, rockets, communications, and intelligence gathering.

444. Although MTN's primary motivation for assisting the IRGC was financial, it also intended to harm Americans in the Middle East. One reason MTN cooperated with the IRGC was to align itself with their effort to drive Americans out of the region, including Iraq. MTN had two distinct but related reasons for desiring that outcome.

445. *First*, MTN intended to harm Americans because it decided that was the necessary price of maintaining a good relationship with the Ayatollah and the IRGC. The Ayatollah and the IRGC were explicit – both in public, and in conversations with MTN – that it wanted MTN's financial and technical help in fighting against U.S. forces. Thus, MTN needed to disassociate itself from the United States and prove that it could deliver value to the terrorist campaign against U.S. forces in Iraq.

446. *Second*, MTN Group's support for attacks against U.S. citizens by the Joint Cells advanced the foreign policy interests of MTN Group's most important business partners, the Foundation for the Oppressed and IEI, which MTN at all times knew to be IRGC fronts.

447. MTN Group depends on its partnership with the Ayatollah and the IRGC. As of 2012, Iran was MTN's fastest-growing market and its third-largest source of revenue overall. Today, Iran is MTN's second-biggest market by subscribers. MTN Group's financial incentive has led it to take a number of illegal steps to assist the Iranian regime.

448. MTN Group cooperated with the Ayatollah, and the IRGC, and including the Qods Force, despite knowing that the Ayatollah, and the IRGC, and including the Qods Force, are collectively the world's worst sponsor of anti-American terrorism.

449. MTN Group's agreement to aid the IRGC served the IRGC's agenda of inflicting death and injury on U.S. forces. It also fulfilled MTN Group's contractual obligation to engage in "defensive, security and political cooperation" with its IRGC, including Qods Force, partner.[391] Such cooperation offered MTN Group additional motivation for becoming joint venture partners with the IRGC. MTN's support for the IRGC did not merely grow its profits by allowing it to obtain the Irancell business in the first instance; it also benefited MTN's business by inflicting harm on an enemy (the United States) of MTN's most lucrative business partner (the IRGC fronts that controlled Irancell) in order for MTN to curry Iranian favor to gain market share for a potentially uniquely lucrative telecom and communications market in Iran.

B. Defendants' Culpable Conduct Threatening U.S. National Security Created Several Contacts with the United States that Make It Fair and Reasonable for Defendants to Face Suit in a U.S. Court

450. Defendants also connected MTN Group's support of the Hizballah, the Qods Force, Regular IRGC, and Jaysh al-Mahdi, to the United States by obtaining technology and vital operational support in reliance on U.S. contacts. MTN Group orchestrated a complex scheme to surreptitiously supply technology and operational support for Irancell through various U.S. agents. MTN Group tied MTN's unlawful conduct to the United States in several ways.

451. Even while MTN Group was reaching into the United States to launch a multifaceted campaign to facilitate the flow of U.S. dollars to and from Irancell, its CEO continued expressing his contempt for the United States. As *Reuters* reported in August 2012,

[391] MTN Group, *et al.*, Letter Agreement § 8, attached as Exhibit A.

instead of exiting MTN Group's secret Security Cooperation Agreement and alliance with the IRGC, Phuthuma Nhleko, as MTN Group's President and CEO, defiantly pronounced that "U.S. sanctions should not have unintended consequences for non-U.S. companies." MTN Group's, and Phuthuma Nhleko's, public statement furthered the terrorist's scheme, and fraud on MTN Group's shareholders, because MTN Group, through Mr. Nhleko, spread IRGC disinformation while fraudulently concealing the existence of MTN Group's illicit deal with its Hizballah, Qods Force, and Regular IRGC counterparties, *i.e.*, the "Iranian Shareholders," from MTN Group's own shareholders.

1. Defendants Conspired to Illicitly Provide U.S.-Origin, Dual-Use Technologies to its IRGC Joint Venture

452. U.S. sanctions on Iran presented a major impediment to MTN Group's ability to build, launch, and maintain its Irancell joint venture. Irancell needed U.S.-origin telecommunications and network equipment, among other things—and indeed, Irancell's Iranian shareholders required it as a condition of their contract—but MTN could not "purchase[] directly" those items from its existing network of suppliers due to U.S. sanctions on Iran. In a November 2005 Powerpoint presentation, MTN Group thus posited that it had two options on how to proceed with its procurement responsibilities to the Irancell joint venture: "Option One" was to purchase the necessary hardware, operating systems, and other equipment through Irancell, presumably from grey market suppliers that had acquired or could acquire U.S.-origin products; or "Option Two," which would involve MTN Group directly purchasing the necessary equipment from its existing vendors after obtaining permission from the U.S. government—a process that "could take 6-12 months with no guarantee." Due to those challenges associated with Option Two, MTN Group recommended, and its leadership largely adopted, "Option One."

453. Focusing on "Option One" did not mean that MTN Group's role in Irancell's procurement operation was any less critical or involved. After all, MTN Group was still obligated to serve as Irancell's "procurement agent" under the Irancell formation documents. And MTN fulfilled that role. It developed and implemented Irancell's procurement strategy, which was largely reliant on existing MTN Group procurement infrastructure and would involve significant dedication of MTN human resources—including by seconding several key procurement professionals—to Irancell, as well as appointing senior MTN Group personnel to Irancell's board to oversee everything.

454. MTN Group assessed that notwithstanding U.S. sanctions on Iran, it could source much of the hardware and software Irancell needed from grey market sources, but acquiring those embargoed U.S.-origin products through such unauthorized channels would deprive it of access to a meaningful degree of manufacturer and/or vendor support. As a result, MTN Group resolved to investigate and "confirm [the] full implications of using embargoed products from grey markets on MTN as shareholder and [on] its [appointed] directors on Irancell['s board]." On information and belief, MTN Group became comfortable that the lack of vendor support would not be an insurmountable problem for its Irancell procurement efforts because MTN Group could always tap its existing supplier network that it worked with outside of Iran to fill any gaps that it could not satisfactorily overcome through other means.

455. But the problem with Irancell's need for U.S.-origin embargoed telecommunications hardware and software is that notwithstanding a robust grey market for those materials, MTN Group could not completely avoid reaching into the United States to fulfill its procurement obligations to Irancell.

456. Indeed, as alleged in Section III.C.1 *supra*, MTN Group used a network of local agents to reach into the United States—including Florida and Washington State—to acquire for MTN Irancell's use several key dual-use telecommunications components and critical IT support services, respectively, during the relevant time period. As evidenced in the guilty pleas and alleged in the various indictments of Mr. Hajian and others, these U.S.-based suppliers and service providers knew that their products were going to end up being used in Iran, by MTN Irancell, and that MTN Group was ultimately the entity behind the scenes making that happen.

457. The existence of MTN Group's scheme to illegally obtain embargoed U.S.-origin equipment for Irancell was further confirmed by MTN Group's frenetic and culpable reaction to outreach from *Reuters* reporter Steve Stecklow in 2012 during his investigation of MTN Group's procurement practices concerning Irancell, which resulted in a series of bombshell investigative reports. In his outreach to MTN Group, Mr. Stecklow noted how "the many internal documents" he had seen "make numerous references to US equipment and sanctions, as well as discussions on how to obtain banned U.S. components." He provided the following "small sampling":

> "The primary challenge in the establishment of the VAS solution is simply that the hardware platforms required are of US origin and therefore fall foul of the US embargo on exports to Iran. This means that innovative mechanisms need to be applied to secure delivery of the hardware platforms."
>
> And this:
>
> Note: According to Shabakkat, all SUN HW is at Dubai waiting for Payment.
>
> I have also seen lengthy parts lists of US components procured by MTN Irancell via Dubai.

458. After Mr. Stecklow reached out to MTN Group senior executive Paul Norman to discuss his initial findings, MTN Group retained the services of The Brunswick Group, a prestigious, high-priced crisis advisory firm to help craft a carefully parsed statement in response to what he referred to as Mr. Stecklow's "allegations," in which he denied that MTN Group

"conspired with suppliers to evade applicable US sanctions on Iran or had a policy to do so," and implicitly blamed for any violations of law the "turnkey vendors" from whom MTN Group purchased its equipment and who were "required to comply with US and EU sanctions."

459. Mr. Stecklow responded: "Got it; thanks. To be clear, I'm not making any allegations. This is all from internal MTN documents. Here's yet another example from a weekly progress report in November 2005 that was written by a consultant hired by MTN Group Management Services (PTY) LTD: 'Briefed lawyers to obtain opinion on outsource model to bypass US embargo[.]'"

460. In October 2012, when reflecting in an email on his cumulative interactions with Mr. Stecklow, Paul Norman confidently stated how "sure" he was that Stecklow "has someone on the inside in Iran" as a source.

2. From 2006 through 2019, Defendants Regularly Reached Into America to Attempt to Repatriate Hundreds of Millions of Dollars in Irancell Out of Iran

461. On information and belief, beginning on or about 2012 and continuing through on or about 2019, Defendants routinely relied upon banks in New York to manage the cash flow of MTN Group, MTN Dubai, and Irancell, the latter of which was MTN Group's most important (and cash-intensive) investment in the Middle East—and, on information and belief, an important component of the compensation earned by Nhleko and Charnley while they served at MTN Group.

462. MTN Group established banking relationships with U.S. financial institutions and multinational financial institutions with U.S.-based subsidiaries or offices no later than 2013.

463. For example, MTN Group disclosed that it has a relationship with the Bank of New York, located at 101 Barclay Street, New York, NY 10286, as its depository bank. Similarly, in 2015, MTN Group disclosed its relationship with Citibank, whereby it guaranteed a

syndicated loan facility worth $1 billion, the same facility from which MTN International (Mauritius) Limited, the MTN Group subsidiary used to make corrupt payments to Iranian officials, had drawn $670 million.

464. Following the easing of sanctions in January 2016, MTN focused on repatriating funds earned from its Irancell venture that were previously trapped in Iran. Indeed, Defendants saw the easing of sanctions as an opportunity to "normalize" its repatriation of monies from Irancell.

465. On October 24, 2016, MTN Group admitted that "MTN has commenced the repatriation of funds from MTN Irancell to MTN Group."[392] On December 14, 2016, "Bloomberg report[ed] that MTN Group … extract[ed] several hundred million dollars with the help of European banks, and it [was] looking to take a total of around USD1 billion by the end of March 2017," which "include[d] a ***USD430 million loan repayment from MTN Irancell***."[393]

466. Although these contacts with the U.S. financial system occurred after the terrorist attacks that killed and injured Plaintiffs, the Irancell profits that MTN Group withdrew covered the period when nearly every Plaintiff was injured or killed. When MTN Group coordinated a global strategy to facilitate the repatriation of its Irancell profits, MTN Group reached into the United States to obtain an enormous benefit that was, at least in part, the motivation for MTN's misconduct that proximately caused Plaintiffs' injuries by substantially assisting the IRGC's (including the Qods Force's) ability to sponsor the terrorist attacks that killed and maimed Plaintiffs and their family members.

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[392] MTN Group Ltd., *Mtn Group Limited - Quarterly Update For The Period Ended 30 September 2016*, South African Company News Bites – Stock Report (Oct. 24, 2016).

[393] CommsUpdate, *MTN Extracts First Cash From Iran* (Dec. 14, 2016) (emphasis added).

467. On information and belief, MTN Group utilized its banking relationships with U.S. financial institutions and/or financial institutions with U.S. subsidiaries or offices, including but not limited to the Bank of New York and Citibank, to facilitate the repatriation of funds from Irancell to MTN Group.

468. Each time MTN Group used New York's financial system, they did so in a context where they benefited from the New York financial system, and New York laws, and they knew that the New York financial system imparted extra value to every transaction based upon its stability and reputation.

3. Defendants Facilitated a Bribe that Was Instrumental to Irancell's Formation, which Flowed Through the New York Financial System to an IRGC Cut-out and into the Budget of the IRGC

469. MTN Group's U.S. contacts were essential to the initial bribe of $400,000 that allowed MTN Group to wrest the Irancell license from Turkcell in the first instance and was the proximate and but-for cause of MTN Group's subsequent ability thereafter to assist the IRGC's, terrorist enterprise, and facilitate IRGC proxy attacks against Americans in Iraq and Afghanistan.

470. MTN Group either: (i) relied upon bank accounts in New York to clear and complete the U.S. Dollar-denominated $400,000 wire that MTN Group sent to a recipient in 2007 who acted on behalf of the IRGC; or (ii) purchased the U.S. Dollars used in that transaction from Standard Bank in South Africa—which MTN Group knew would have been acquired from the United States—in an effort to prevent this illicit transaction from touching the United States.

471. This transaction independently aided the IRGC's efforts to covertly obtain U.S. dollars—the vital common currency of terrorist finance—to fund Joint Cell attacks against Americans in Iraq.

472. It would be improper to suggest that the absence of a direct on-paper linkage between the IRGC's cutout and the IRGC plausibly suggests that the $400,000 did not flow through to the IRGC.

473. On December 11, 2006, MTN Group, via Nhleko, sent an unusual memo (Subject: "Consultancy Agreements") to Charnley, which provided, in full, as follows:

> With reference to the process in terms of which MTN International (Mauritius) Limited acquired a 49% equity interest in Irancell, you are authorized to finalize all agreements with the consultants that assisted the Company during the run up to and actual negotiating period, and to effect the necessary payments.[394]

The bottom of memo confirmed that the instruction came from "PHUTHUMA F. NHLEKO" acting as "[MTN] GROUP PRESIDENT & CEO."[395]

474. MTN's December 11, 2006 memo, and the process surrounding it, showed MTN's culpable state of mind:

a. MTN Group Used Bribe Euphemism. MTN's instruction relied upon a notorious bribery euphemism—"necessary payments"—that was widely known, as MTN knew and intended, as code for bribes.[396]

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[394] MTN Group, Memorandum from Phuthuma Nhleko to Irene Charnley re Consultancy Agreements, 1 (Dec. 11, 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 120.

[395] *Id*.

[396] As MTN knew, in most of the world before 2000, companies could lawfully pay bribes as a business expense and, as such an expense, companies could deduct such payments as "necessary payments." Accordingly, bribery scandals involving some of the most important markets in which MTN did business, e.g., Nigeria, involved bribes called "necessary payments." In 2010, for example, Daimler AG pleaded guilty to an expansive bribery scandal across 22 countries, including Nigeria, in which Daimler employees, like MTN, called bribes "necessary payments" when describing them internally within the company. Deferred Prosecution Agreement, Statement of Facts at 2-3, *United States v. Daimler AG*, 1:10-CR-063(D.D.C. Mar. 24, 2010) (Daimler AG admitted that, from 1998-2008, as part of its bribery scheme in places like Nigeria, "within DAIMLER, bribe payments were often identified and recorded as 'commissions,' 'special discounts,' and/or 'nützliche AufWendungen' or 'N .A.' payments, which translates to 'useful payment' or 'necessary payment,' and was understood by certain employees to mean 'official bribe'").

b. MTN Group Offloaded its Consulting Payments to MTN Mauritius. MTN Group ignored the corporate form and had MTN Mauritius pay what MTN Group itself acknowledged was an MTN Group liability, with the order being supplied by Nhleko acting in has capacity as "Group President & CEO."

c. MTN Group Purposefully Backdated MTN's Irancell Consultancy Agreements. Backdating is a classic red flag specifically for corrupt or illegal relationships. Among other reasons, when the relationship itself creates legal jeopardy, it has long been a common strategy for criminals the world over to backdate such agreements, the theory being that if the person's criminal scheme does not come to fruition, the existence of a seemingly legitimate commercial agreement would prevent the urge to investigate the component transactions further and thereby risk uncovering problematic evidence of corrupt bribes.

475. On January 30, 2007, Kilowan sent a "CONFIDENTIAL MEMORANDUM" to Charnley that alerted her that MTN needed to pay one of its agents for Iran—whom MTN gave the code name "Long John" ("Long J" in the memo)—and stated:

> I have e-mailed you the agreement for Long J and the money should be paid into the following bank account:
>
> MOUSA ABOLFAZL HOSSEINZADEH
> COMMERCIAL BANK OF DUBAI
> MAIN BRANCH-DUBAI
> ACCOUNT NUMBER 1000546125
> CHEQUE ACCOUNT
>
> Judging from the SMS I sent through to you this morning Long J is going to need the cash pretty soon and I suspect he is going to start pressing me for a date on which the transfer will take place.
>
> While finalising this matter I kept on thinking that we are paying the consultants this money and they have done significantly less than our others did in the country. In fact the consultants will do nothing more for us while we will continuously be tapping our friend for information and advice.
>
> As you are well aware we are getting high quality information and the support provided has been excellent. In fact, he assisted way and beyond his duty to us. You are also aware that he knows we are paying the consultants some money.
>
> While I know we never even suggested that we would pay our friend some money I was wondering whether we could not out of our own volition offer to make some monetary contribution to express our gratitude. I would like to discuss this

> with you when I am in SA. He will also be in SA at the time and if there is agreement all round then you could have a discussion with him at the time.[397]

476. On March 1, 2007, according to MTN, "Aristo Oil issued an invoice, dated 1 March 2007, in the amount of USD400 000 . . . for 'consulting and support services during the period 2005 and 2006 in accordance with the signed agreement between MTN International (Mauritius) and Aristo.'"[398] On April 3, 2007, MTN Group received another invoice from Aristo, which instructed that "MTN" must "transfer payment" of "US$400,000" to the account of "Aristo Oil International Services L.L.C." at "Commercial Bank of Dubai" on behalf of "Mousa Hosseinzadeh" to because Aristo "[p]rovided consulting and support services during the period 2005 and 2006 in accordance with the signed agreement" between MTN and Aristo.[399]

477. Hosseinzadeh was a cut-out for Iranians who supported the IRGC and helped MTN secure the Irancell bid, including Javid Ghorbanoghli. Under Iran's long-standing *khums* practice, about 20% of the $400,000 that MTN paid (*i.e.*, about $80,000) necessarily flowed up to support IRGC and Hizballah operations through the SLO and Foundation for the Oppressed, as well as IRGC in-house auditors, because Khamenei, the IRGC, Foundation, and SLO operated a comprehensive machinery to extract their 20% from all IRI officials, like Ghorbanoghli, who receive compensation.

478. Notably, even when MTN tried to whitewash its $400,000 bribe with its Hoffmann Report, Defendants admitted "Aristo provided consultancy services in respect of a

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[397] MTN Group, Confidential Memorandum from Chris Kilowan to Irene Charnley, 1 (Jan. 30, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 535.

[398] MTN Group, Hoffmann Report, KPMG Report, 6, *republished in* MTN Group, Hoffmann Report, Appendices, 205 (quoting "Aristo Oil invoice dated 1 March 2007").

[399] Aristo Oil Int'l Servs. LLC, Invoice to MTN Int'l (Mauritius) Ltd. For Consulting and Support - Iran Licence, 1 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, 134.

number of matters in Iran for the benefit of MTN (*i.e.* such as in relation to the opening of the MTN office in Iran) at the instruction of Mr Kilowan."[400] Ghorbanoghli played a vital role building support within the Iranian government for MTN's attempt to eject Turkcell by, inter alia, helping coordinate MTN's involvement key Iran-South Africa Joint Bilateral Commissions in 2004 and 2006, which were vital brand and relationship building and stakeholder management exercises for MTN. Indeed, the contrast between MTN's corrupt payments to benefit Ebrahim Mahmoudzadeh (at least $3.6M) and Javid Ghorbanoghli (at least $400,000) confirm Plaintiffs' allegations and show the care with which MTN managed MTN's bribes: MTN paid both, but paid Mahmoudzadeh almost 10X what MTN paid Ghorbanoghli. Those numbers are consistent with the difference in value offered by a key Iranian official decisionmaker in the contract award process (Mahmoudzadeh) and a key Iranian official in the stakeholder management process (Ghorbanoghli).

479. That same day, on April 3, 2007, MTN executed a backdated consulting agreement with Aristo Oil (via MTN Mauritius), under which Aristo served as "Consultant" to MTN.[401] In it, MTN agreed to language rife with criminal indicia and classic red flags of bribery and illicit payments, which included:

a. MTN Chose to Backdate the Consulting Agreement. In Section 3 ("Commencement and Duration"), MTN backdated the Agreement by 791 days: "Notwithstanding the date of signature hereof, this Agreement shall commence on 1 February 2005 and shall endure for a period of one (1) years unless terminated by either party on 30 (thirty) day's written notice to the other party or unless terminated earlier in terms of the provisions set out below."[402] As MTN knew, this was a major red flag for corruption.

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[400] MTN Group, Hoffmann Report, ¶342.

[401] MTN Group, Aristo Consulting Agreement, *republished in* MTN Group, Hoffmann Report, Appendices, 122-33.

[402] MTN Group, Aristo Consulting Agreement § 3, *republished in* MTN Group, Hoffmann Report, Appendices, 125.

b. MTN Chose to Offload MTN Group's Payment Responsibility to MTN Mauritius. MTN Group retained Aristo (off-books) before Kilowan executed the Aristo agreement on behalf of MTN Mauritius. In so doing, Kilowan effectuated Nhleko's December 11, 2006 instruction that MTN Mauritius make payments properly owed by MTN Group.[403]

c. MTN Chose to Pay in U.S. Dollars. In Section 4.2, MTN chose to pay its Consultant in U.S. Dollars: "In consideration for the Consultant Services effected by the Consultant, MTNI shall pay the Consultant a once off fee of United States Dollars four hundred thousand (US$400 000) at the end of one (1) year after MTNI entered into agreements to establish its presence in the Islamic Republic of Iran."[404] MTN paid the Consultant in U.S. Dollars even though MTN knew the consultant was based in Iran and, ordinarily, would expect to be paid in Iranian Rial (IRR). As MTN knew, this was a major red flag for corruption.

d. MTN Concealed its Bribe Through a False Scope of Responsibilities. Article 1 of Annexure A ("Scope of Responsibilities") of MTN's Consulting Agreement provided, in full, that the MTN hired Aristo to: "Provide consulting services, introduce MTNI to key role players, arrange meetings and generally provide support and assistance during the negotiations and conclusion of the necessary agreements that will provide for MTNI's entry into the Iranian Mobile Market."[405] As MTN knew, this "Scope of Responsibilities" omitted, inter alia, Aristo's assistance lobbying the Iranian regime, coordinating meetings between Iran and South Africa that aided MTN, and, on information and belief, helping MTN with respect to its participation in the key 8th and 9th Joint Bilateral Commissions in 2004 and 2006, respectively—both of which featured MTN in a prominent role. MTN (and Aristo) concealed such information, however, because it comprised evidence of their bribery and evidence that MTN was behind South African government attempts to persuade the Iranian government to eject Turkcell in favor of MTN, which attempts were greatly enabled by Aristo. Accordingly, MTN necessarily vouched for Aristo's false representations concerning the corrupt purpose of the Consulting Agreement that were set forth in Annexure A thereto when MTN paid Aristo $400,000 due under the Agreement.

480. On April 3, 2007, and continuing into April 4, 2007, MTN personnel coordinated MTN's $400,000 payment to Aristo via at least eight separate emails,[406] because, as MTN Group's Iran Director explained at the time, MTN's $400,000 payment to Aristo had "become

[403] MTN Group, Memorandum from Phuthuma Nhleko to Irene Charnley re Consultancy Agreements, 1 (Dec. 11, 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 120.

[404] MTN Group, Aristo Consulting Agreement, Annexure A, Art. 1, *republished in* MTN Group, Hoffmann Report, Appendices, 133.

[405] *Id.*§ 4.2, *republished in* MTN Group, Hoffmann Report, Appendices, 125.

[406] *See* MTN Group, Hoffmann Report, ¶¶326-32 (identifying at least eight emails between MTN personnel on April 3-4, 2007).

quite critical" and therefore MTN needed to pay as quickly as possible "to save us from possible negative consequences" relating to Irancell.[407] Throughout this discussion, MTN displayed the precise attention to, and sophisticated knowledge of, wire transfer practice and process. In one email, for example, MTN Group's Iran Director instructed MTN Group finance personnel: "Please forward a copy of the SWIFT transmission receipt to me as soon as it is available."[408]

481. On April 4, 2007, according to Defendants, "MTN Holdings instructed Standard Bank to pay 'Mousa Hosseinzadeh' an amount of USD400 000."[409] According to Defendants, "MTN Group Finance" concluded "that the signatures on the letter of instruction to Standard Bank to transfer the USD400 000, as well as the application to purchase foreign currency," were "that of [Nazir] Patel [then-head of Executive Group Finance for MTN Group's Management Company, MANCO] and [Dirk] Van Doorene [Senior Manager Group Finance for MTN]."[410]

4. Defendants, Through Various Agents, Used the U.S. Financial System to Pay Dual-Use U.S.-Origin Equipment Suppliers and Key Technical Service Providers

482. Between 2009 and 2012, one or more purchasing agents working for the IRGC in the U.A.E. and elsewhere, spending money provided by MTN Group, and acting at the direction of MTN Group and its IRGC, including Qods Force, ally, collectively wired more than $5 million into America to associates in the U.S. who purchased embargoed technology for the

[407] MTN Group, Email from Chris Kilowan to Bronwyn De Villiers (Apr. 3, 2007), *quoted in* MTN Group, Hoffmann Report, ¶328.

[408] MTN Group, Email from Chris Kilowan to Rubysen Rambocus (Apr. 3, 2007), *quoted in* MTN Group, Hoffmann Report, ¶326.

[409] MTN Group, Hoffmann Report, KPMG Report, 7 (citing "MTN letter to Standard Bank re Aristo Oil"), *republished in* MTN Group, Hoffmann Report, Appendices, 206.

[410] MTN Group, Hoffmann Report, KPMG Report, 8 (citing "MTN letter to Standard Bank re Aristo Oil"), *republished in* MTN Group, Hoffmann Report, Appendices, 207; *see* MTN Group, Hoffmann Report, Appendices, 155 (full names and roles).

IRGC's, including the Qods Force's benefit, which was then shipped from the U.S. to the U.A.E., where the IRGC assumed possession of the technology for use in its terrorist enterprise.

483. On information and belief, MTN and/or MTN's agents routed millions of dollars each year to its U.S. agents to pay for the embargoed dual-use U.S. technology it illegally obtained for the IRGC via transactions through the New York banking system, by causing money to be wired to MTN's U.S. agents to pay for MTN's U.S. agents to illegally obtain embargoed dual-use U.S. technology for the benefit of the Qods Force's terrorist enterprise.

484. Between 2009 and 2012, and on information and belief ever since the mid-2000s, Irancell relied upon one or more U.S. persons to service Irancell's enterprise-level computers and associated networks, relying on one or more U.S. persons to maintain Irancell's network remotely from the U.S. and, on at least one occasion, having such U.S. person travel to meet with MTN's IRGC, including Qods Force, allies in the U.A.E. to provide training to the Qods Force. MTN, or agents acting at MTN's direction, sourced embargoed technology for the IRGC's benefits from, among others, Akbari, Patco, MSAS, and TGO.

485. On information and belief, MTN and/or MTN's agents routed millions of dollars each year to its U.S. agents in order to pay for the technology support services it illegally obtained for the IRGC via transactions through the New York banking system, by causing money to be wired to MTN's U.S. agents to pay for MTN's U.S. agents to illegally provide technological support to maintain Irancell for the benefit of the IRGC's terrorist enterprise.

5. MTN Group Transmitted Fraudulent Statements to MTN Shareholders in the United States to Conceal the Scheme

486. MTN Group's scheme also depended on MTN Group's decision to reach into the United States to fraudulently conceal: (i) its secret pledge to aid the "security" and "defensive" agenda of notorious IRGC and Hizballah sponsors the Foundation for the Oppressed and IEI; and

(ii) its fraudulent loans to its Iranian shareholder partners in Irancell, which it misrepresented as real assets of MTN—*i.e.*, legitimate loans with a reasonable expectation of repayment in the ordinary course. One way MTN did so was by regularly publishing statements in annual reports, circulars, and press releases that MTN Group transmitted to MTN Group stakeholders, including shareholders, in the United States, in which MTN Group deliberately lied about MTN's approach relating to Iran and the United States by directly asserting that MTN always practiced "neutrality" between nations in its business operations when, in fact, MTN Group had chosen sides between Iran and the United States and was the exact opposite of "neutral."

487. In March 2011, for example, MTN Group fraudulently represented to its U.S. shareholders, among others, that one material way that Defendants ensured "Risk mitigation" of the "Macro" risks to MTN's shareholders (including MTN shareholders in the United States) from Defendants' "[e]xposure to high risk countries"—which MTN always defined to include Iran, given that it was MTN's largest market in such category—was MTN Group's company-wide policy in which "MTN takes a politically neutral stance but does engage – through its dedicated stakeholders relationship function."[411]

488. In March 2012, likewise, MTN Group advised its shareholders that MTN was keenly aware that "challenges" to MTN's "integrated risks and opportunities" arising from MTN shareholders' "[e]xposure to higher risk countries" like Iran "include[d]" MTN Group's handling of "political and social unrest, sanctions," and "violations of human rights" in such places, and MTN Group's strategy for "[s]ustainable mitigation" of such "challenges" included MTN Group's company-wide policy in which "MTN adopts a neutral stance although does engage

[411] MTN Group, *Integrated Business Report For The Year Ended 31 December 2010*, 12 (Mar. 2011), https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2010.pdf.

through a dedicated stakeholder function."[412] On information and belief, MTN Group transmitted other similar communications from 2006 through 2012.

VI. Hizballah, The Qods Force, And Jaysh al-Mahdi Killed And Injured The Plaintiffs Who Were Attacked in Iraq Through Terrorist Attacks That Defendants Funded, Armed, And Logistically Sustained

784. Plaintiffs are American civilians, servicemembers, and contractors serving in Iraq, and their family members, who were killed or injured in terrorist attacks committed by joint cells comprised of Hizballah (an FTO), Jaysh al-Mahdi (including Jaysh al-Mahdi Special Groups Asaib Ahl al-Haq and Kataib Hizballah), and the Qods Force (an SDGT at the time), as well as Jaysh al-Mahdi terrorists who committed attacks that were planned and authorized by Hizballah.

785. Hizballah has a history of significantly escalating the violence during its ongoing terroristic campaigns to drive its own (and that of the IRGC's, including the Qods Force's) terroristic Anti-American and Anti-Israeli messaging in the Middle East. For example, in 2006, during its terrorist attacks against Israel, Hizballah executed a coordinated rocket offensive that Hizballah and the IRGC touted to show that Hizballah and its Iranian paymasters could militarily challenge the Great Satan (the United States) and the Little Satan (Israel), both of whom the terrorists sought to attack.

786. Following this practice, Hizballah escalated its ongoing terrorist campaign in Iraq to support a messaging strategy on behalf of Hizballah and its Iranian patrons, the IRGC. Hizballah's decision in 2005 to aggressively expand the EFP and rocket campaigns throughout Iraq, as well as Hizballah's repeated tactic of targeting the Green Zone in Baghdad, such as in 2008, are two examples of Hizballah following this longstanding Hizballah strategy in Iraq.

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[412] MTN Group, *Integrated Business Report For The Year Ended 31 December 2011*, 12 (Mar. 2012), https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2011.pdf.

787. Hizballah provided each bomb, EFP, and rocket (including IRAM) that the Joint Cells used to commit each attack that injured each Plaintiff. Hizballah also coordinated every aspect of the terrorist campaign that injured each Plaintiff. In both respects, Hizballah continued the same strategy and practice it had pursued in Iraq since 2003.

788. The IRGC provided key aid to the intensified terrorist campaign through the Joint Cells in Iraq. The IRGC provided Hizballah money, logistical support, telecommunications technology, and advanced weapons, which Hizballah supplied to the Joint Cells to facilitate their ability to conduct the attacks that injured Plaintiffs. Each Plaintiff who suffered injury because of a Joint Cell attack between 2006 and 2010 was injured because of Hizballah's above-described strategic decision to further escalate Hizballah's anti-American terror campaigns during that period to intimidate the U.S. and Iraqi governments.

789. Defendants also aided the Joint Cell terrorist(s) who committed each attack by transacting with notorious terrorist front counterparties, including, but not limited to, the Foundation for the Oppressed, IEI, Irancell, TCI (including MCI), Exit40, and/or the Akbari Fronts, which had a widespread and specific reputation for raising money, providing logistical support, and obtaining weapons for terrorists, including Hizballah, to use to attack Americans. Defendants' financial support and provision of embargoed American technologies and services for such IRGC-controlled, including the Qods Force-controlled, counterparties flowed through Hizballah to the terrorist(s) that committed each attack that injured each Plaintiff.

A. The August 17, 2007 Hostage-Taking Attack in Basra, Iraq (Chand Family)

489. On August 17, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed a kidnapping attack that targeted American civilian contractors in Basra and Amara - the geographic headquarters of the Joint Cells in southern Iraq,

which resulted in the hostage-taking, detention, torture, and murder of an American contractor by Hizballah, Jaysh al-Mahdi, and Qods Force terrorists (the "August 17, 2007 Attack").

490. The Joint Cell that committed the August 17, 2007 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah and Jaysh al-Mahdi, with material support from the IRGC-QF, and armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

491. Senior Hizballah operative Ali Mussa Daqduq planned and authorized the August 17, 2007 Attack.

492. The Department of Defense assessed that the August 17, 2007 Attack was a "Hizballah Event."

493. One or more other components of the U.S. government also represented to the hostage's families that Hizballah (and Daqduq) were responsible for the August 17, 2007 Attack.

494. Five U.S. Senators also concurred in a 2011 letter, in which the senators noted that Daqduq had "coordinated the kidnapping and execution of U.S. citizens and British nationals in Iraq" in conjunction with Jaysh al-Mahdi.

495. The tactics, techniques, and procedures upon which the Joint Cell kidnappers relied during the August 17, 2007 Attack were derived from Hizballah, who both trained the Jaysh al-Mahdi kidnappers with whom they jointly committed the raid, and also participated in the kidnapping itself.

496. The August 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victim of this attack was a civilian not taking part in hostilities, was tortured during his captivity, and was executed without trial.

Further, the terrorists who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

497. **Michael Chand Sr.** was in Iraq as a civilian working for the U.S. Department of State providing security to road construction projects at the time of the August 17, 2007 Attack. Mr. Chand was injured and kidnapped in the August 17, 2007 Attack. Mr. Chand's death, as a result of injuries sustained during the attack, was confirmed on March 13, 2010.

498. On August 17, 2007, Mr. Chand's convoy was ambushed by a Joint Cell comprised of Hizballah, Qods Force, and Jaysh al-Mahdi, which totaled roughly 300 Jaysh al- Mahdi fighters near the Jaysh al-Mahdi stronghold of Amarah, northwest of Basra.

499. Mr. Chand suffered a gunshot wound in the ambush and was kidnapped by Jaysh al-Mahdi. He was held in captivity by Jaysh al-Mahdi for several years afterwards, and he was tortured in captivity. He was 52 years old at the time of his kidnapping. On or about March 13, 2010, his body was returned to the U.S. government. The autopsy report revealed that Mr. Chand was killed by multiple gunshot wounds to the head and body, and it was consistent with the conclusion that he had been tortured.

500. Initial reports of the August 17, 2007 attack suggested that Mr. Chand had been killed in the attack. On August 24, 2007, the U.S. State Department officially informed Mr. Chand's wife that he was dead. On October 31, 2007, the State Department reversed course and informed his wife, Mrs. Sally Chand, that, according to eyewitnesses, Mr. Chand was actually alive and being held in captivity. However, efforts to secure his release over the next several years failed, and, on or about March 13, 2010, the Chand family learned that Jaysh al-Mahdi had tortured and executed Mr. Chand while he was being held in captivity

501. Michael Chand Sr. was a U.S. national when he was attacked and killed.

502. Plaintiff Sally Chand is the widow of Michael Chand Sr. and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of Michael Chand Sr.'s estate.

503. Plaintiff Brenda Chand is the daughter of Michael Chand Sr. and a U.S. national.

504. Plaintiff Christina Mahon is the daughter of Michael Chand Sr. and a U.S. national.

505. Plaintiff Michael Chand Jr. is the son of Michael Chand Sr. and a U.S. national.

506. Plaintiff Ryan Chand is the son of Michael Chand Sr. and a U.S. national.

507. As a result of the August 17, 2007 Attack and Michael Chand Sr.'s injuries and death, each member of the Chand Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Michael Chand Sr.'s society, companionship, and counsel.

508. As a result of the August 17, 2007 Attack, Michael Chand Sr. was injured in his person and/or property. The Plaintiff members of the Chand Family are the survivors and/or heirs of Michael Chand Sr. and are entitled to recover for the damages he sustained.

B. The January 16, 2006 IED Attack in Baghdad, Iraq (Parlin Family)

509. On January 16, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an IED attack that targeted Americans in Baghdad, with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the IED in the Al-Rashid District of western Baghdad on the road connecting Baghdad International Airport to the center of Baghdad (Airport Road) while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell (the "January 16, 2006 Attack").

510. The Joint Cell that committed the January 16, 2006 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force,

and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

511. The IED used by the Joint Cell in the January 16, 2006 Attack was a Hizballah-designed, Iranian-manufactured IED emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

512. The January 16, 2006 Attack was planned and authorized by Hizballah.

513. The January 16, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victim of this attack was a civilian not taking part in hostilities, the Jaysh al-Mahdi Joint Cell member(s) who planted and detonated the IED neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

514. **Samuel Parlin, Jr.** served in Iraq as a civilian contractor employed by DynCorp International, working for the Civilian Police Advisory Training Team ("CPATT"), which was responsible for the Coalition efforts to train and equip the Iraqi Police. Samuel Parlin Jr. was injured in the January 16, 2006 Attack. Samuel Parlin Jr. died on January 16, 2006, as a result of his injuries from the attack.

515. Samuel Parlin Jr. was a U.S. national when he was attacked and killed.

516. Plaintiff Cynthia Parlin is the widow of Samuel Parlin Jr. and a U.S. national.

517. Plaintiff Sharonda Anderson is the daughter of Samuel Parlin Jr. and a U.S. national.

518. As a result of the January 16, 2006 Attack and Samuel Parlin Jr.'s injuries and death, each member of the Parlin Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

519. As a result of the January 16, 2006 Attack, Samuel Parlin Jr. was injured in his person and/or property. The Plaintiff members of the Parlin Family are the survivors and/or heirs of Samuel Parlin Jr. and are entitled to recover for the damages he sustained.

C. The January 18, 2006 EFP Attack in Basra, Iraq (Hickman Family)

520. On January 18, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in Basra, with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("January 18, 2006 Attack").

521. The Joint Cell that committed the January 18, 2006 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

522. The EFP used by the Joint Cell in the January 18, 2006 Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

523. The January 18, 2006 was planned and authorized by Hizballah.

524. The January 18, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victim of this attack was a civilian not taking part in hostilities, the Jaysh al-Mahdi Joint Cell member(s) who planted and detonated the

EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

525. **Richard Hickman** served in Iraq as a civilian contractor, employed by DynCorp International, working to train Iraqi Police units in Basra. Richard Hickman was injured in the January 18, 2006 Attack. Richard Hickman died on January 18, 2006, as a result of his injuries from the attack.

526. Richard Hickman was a U.S. national when he was attacked and killed.

527. Plaintiff Eli Hickman is the son of Richard Hickman and a U.S. national.

528. Plaintiff Jennifer Link is the daughter of Richard Hickman and a U.S. national.

529. Plaintiff Jessica Rew is the daughter of Richard Hickman and a U.S. national.

530. Plaintiff Ryan Hickman is the son of Richard Hickman and a U.S. national.

531. Plaintiff Sara Lilly is the daughter of Richard Hickman and a U.S. national.

532. Plaintiff Sharon Johnston is the sister of Richard Hickman and a U.S. national.

533. As a result of the January 18, 2006 Attack and Richard Hickman's injuries and death, each member of the Hickman Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

534. As a result of the January 18, 2006 Attack, Richard Hickman was injured in his person and/or property. The Plaintiff members of the Hickman Family are the survivors and/or heirs of Richard Hickman and are entitled to recover for the damages he sustained.

D. The February 20, 2006 EFP Attack in Basra, Iraq (Kuhlmeier Family)

535. On February 20, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in Basra, with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP while

being locally supervised by one or more Hizballah operatives deployed to the Joint Cell (the "February 20, 2006 EFP Baghdad Attack").

536. The Joint Cell that committed the February 20, 2006 EFP Baghdad Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

537. The EFP used by the Joint Cell to injure victims in the February 20, 2006 EFP Baghdad Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

538. The February 20, 2006 EFP Baghdad Attack was planned and authorized by Hizballah.

539. The February 20, 2006 EFP Baghdad Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victim was a civilian not taking part in hostilities, the Jaysh al-Mahdi Joint Cell member(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

540. **Daniel Kuhlmeier** worked in Iraq for the U.S. Air Force and was assigned to the Air Force Office of Special Investigations Detachment 204 (Offutt AFB, Nebraska), supporting the 55th Wing and Headquarters, U.S. Strategic Command. He was a civilian employee of the U.S. Air Force who was posthumously awarded the Outstanding Civilian Career Service Award. Daniel Kuhlmeier was injured in the February 20, 2006 EFP Baghdad Attack. Daniel Kuhlmeier died on February 20, 2006, as a result of his injuries from the attack.

541. Daniel Kuhlmeier was a U.S. national when he was attacked and killed.

542. Plaintiff Tanja Kuhlmeier is the widow of Daniel Kuhlmeier and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of Daniel Kuhlmeier's estate.

543. Plaintiff Kaya Kuhlmeier is the daughter of Daniel Kuhlmeier and a U.S. national.

544. Plaintiff Theresa Kuhlmeier is the mother of Daniel Kuhlmeier and a U.S. national.

545. Plaintiff Robert Kuhlmeier is the father of Daniel Kuhlmeier and a U.S. national.

546. Plaintiff David Kuhlmeier is the brother of Daniel Kuhlmeier and a U.S. national.

547. Plaintiff Edward Kuhlmeier is the brother of Daniel Kuhlmeier and a U.S. national.

548. Plaintiff John Kuhlmeier is the brother of Daniel Kuhlmeier and a U.S. national.

549. Plaintiff Robert W. Kuhlmeier is the brother of Daniel Kuhlmeier and a U.S. national.

550. Plaintiff Theresa Anne Kuhlmeier is the sister of Daniel Kuhlmeier and a U.S. national.

551. Plaintiff Thomas Kuhlmeier is the brother of Daniel Kuhlmeier and a U.S. national.

552. As a result of the February 20, 2006 EFP Baghdad Attack and Daniel Kuhlmeier's injuries and death, each member of the Kuhlmeier Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

553. As a result of the February 20, 2006 EFP Baghdad Attack, Daniel Kuhlmeier was injured in his person and/or property. The Plaintiff members of the Kuhlmeier Family are the

survivors and/or heirs of Daniel Kuhlmeier and are entitled to recover for the damages he sustained.

E. The February 20, 2006 EFP Attack in Karbala, Iraq (Collado and Justin Waldeck)

554. On February 20, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in Karbala, with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP in Karbala while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("February 20, 2006 EFP Karbala Attack").

555. The Joint Cell that committed the February 20, 2006 EFP Karbala Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

556. The EFP used by the Joint Cell to injure victims in the February 20, 2006 EFP Karbala Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

557. The February 20, 2006 EFP Karbala Attack was planned and authorized by Hizballah.

558. The February 20, 2006 EFP Karbala Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

559. **Staff Sergeant Jay Collado** served in Iraq as a member of the U.S. Marine Corps at the time of the attack. SSgt Collado was injured in the February 20, 2006 EFP Karbala Attack. SSgt Collado died on February 20, 2006, as a result of his injuries from the attack.

560. SSgt Collado was a U.S. national when he was attacked and killed.

561. Plaintiff Judy Collado is the widow of SSgt Collado and a U.S. national.

562. Plaintiff Kaiya Collado is the daughter of SSgt Collado and a U.S. national.

563. As a result of the February 20, 2006 EFP Karbala Attack and SSgt Collado's injuries and death, each member of the Collado Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

564. As a result of the February 20, 2006 EFP Karbala Attack, SSgt Collado was injured in his person and/or property. The Plaintiff members of the Collado Family are the survivors and/or heirs of SSgt Collado and are entitled to recover for the damages he sustained.

565. **Major Justin Waldeck** served in Iraq as a member of the U.S. Marine Corps at the time of the attack. The February 20, 2006 EFP Karbala Attack severely wounded Maj Waldeck, who suffered from significant damage to the left hand including a fused metacarpal, fused thumb, and nerve damage to another finger as well as a shrapnel injury to his right knee resulting in a 20% VA disability rating.

566. Plaintiff Maj Waldeck was a U.S. national when attacked and is so today.

567. As a result of the February 20, 2006 EFP Karbala Attack and his injuries, Maj Waldeck has experienced severe physical and emotional pain and suffering.

F. The May 6, 2006 EFP Attack in Al Qadisiyah, Iraq (Veverka Family)

568. On May 6, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in Diwaniyah, in the Al Qadisiyah governate in central Iraq, with a Jaysh al-Mahdi terrorist serving as the

triggerman planting and detonating the EFP while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("May 6, 2006 Attack").

569. The Joint Cell that committed the May 6, 2006 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

570. The EFP used by the Joint Cell to injure victims in the May 6, 2006 Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

571. The May 6, 2006 Attack was planned and authorized by Hizballah.

572. The May 6, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the Jaysh al-Mahdi Joint Cell member(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

573. **Staff Sergeant David Veverka** served in Iraq with B Company, 3rd Battalion, 172nd Mountain Infantry Regiment, Army National Guard. SSG Veverka was injured in the May 6, 2006 Attack. SSG Veverka died on May 6, 2006 as a result of his injuries from the attack.

574. SSG Veverka was a U.S. national when he was attacked and killed.

575. Plaintiff Carol Polley is the mother of SSG Veverka and a U.S. national.

576. Plaintiff Ronald Veverka is the father of SSG Veverka and a U.S. national.

577. Plaintiff Douglas Veverka is the brother of SSG Veverka and a U.S. national.

578. Plaintiff Keith Veverka is the brother of SSG Veverka and a U.S. national.

579. Plaintiff Sandra Soliday is the sister of SSG Veverka and a U.S. national.

580. As a result of the May 6, 2006 Attack and SSG Veverka's injuries and death, each member of the Veverka Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

581. As a result of the May 6, 2006 Attack, SSG Veverka was injured in his person and/or property. The Plaintiff members of the Veverka Family are the survivors and/or heirs of SSG Veverka and are entitled to recover for the damages he sustained.

G. The July 15, 2006 EFP Attack in Baghdad, Iraq (Contreras Family)

582. On July 15, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in eastern Baghdad, with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("July 15, 2006 Attack").

583. The Joint Cell that committed the July 15, 2006 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

584. The EFP used by the Joint Cell to injure victims in the July 15, 2006 Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

585. The July 15, 2006 was planned and authorized by Hizballah.

586. The July 15, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the Jaysh al-Mahdi Joint Cell member(s) who planted

and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

587. **Sergeant Andres Contreras** served in Iraq as a member of the U.S. Army at the time of the attack. SGT Contreras was injured in the July 15, 2006 Attack. SGT Contreras died on July 15, 2006, as a result of his injuries from the attack.

588. SGT Contreras was a U.S. national when he was attacked and killed.

589. Plaintiff Norma Contreras is the mother of SGT Contreras and a U.S. national.

590. Plaintiff Jonathan Contreras Barajas Sr. is the father of SGT Contreras and a U.S. national.

591. Plaintiff Carlos Contreras is the brother of SGT Contreras and a U.S. national.

592. Plaintiff Cesar Contreras is the brother of SGT Contreras and a U.S. national.

593. Plaintiff Dannyel Contreras is the brother of SGT Contreras and a U.S. national.

594. Plaintiff Hernan Contreras is the brother of SGT Contreras and a U.S. national.

595. Plaintiff Noel Contreras is the brother of SGT Contreras and a U.S. national.

596. As a result of the July 15, 2006 Attack and SGT Contreras's injuries and death, each member of the Contreras Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

597. As a result of the July 15, 2006 Attack, SGT Contreras was injured in his person and/or property. The Plaintiff members of the Contreras Family are the survivors and/or heirs of SGT Contreras and are entitled to recover for the damages he sustained.

H. The October 22, 2006 EFP Attack in Baghdad, Iraq (Karar Alabsawi, Judas Recendez, Brian Taylor, and David Taylor Family)

598. On October 22, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in the Al

Rusafa district of Baghdad, Iraq with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP in Karbala while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("October 22, 2006 EFP Al Rusafa Attack").

599. The Joint Cell that committed the October 22, 2006 EFP Al Rusafa Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

600. The EFP used by the Joint Cell to injure victims in the October 22, 2006 EFP Al Rusafa Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

601. The October 22, 2006 EFP Attack was planned and authorized by Hizballah.

602. The October 22, 2006 EFP Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorists targeted civilians not taking part in hostilities, the Jaysh al-Mahdi Joint Cell member(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

603. **Specialist Karar Alabsawi** served in Iraq as a member of the U.S. Army at the time of the attack. The October 22, 2006 EFP Al Rusafa Attack severely wounded SPC Alabsawi, who suffered from an amputation of the left leg, severe injury to the left hand and arm, and injuries from shrapnel and burns throughout the body.

604. Plaintiff SPC Alabsawi was a U.S. national when attacked and is so today.

605. As a result of the October 22, 2006 EFP Al Rusafa Attack and his injuries, SPC Alabsawi has experienced severe physical and emotional pain and suffering.

606. **Sergeant Judas Recendez** served in Iraq as a member of the U.S. Army at the time of the attack. The October 22, 2006 EFP Al Rusafa Attack severely wounded SGT Recendez, who suffered from amputations to both legs below the knee, shrapnel injuries from the waist down, hearing and vision damage, and nerve damage to the left hand, resulting in a 100% VA disability rating.

607. Plaintiff SGT Recendez was a U.S. national when attacked and is so today.

608. As a result of the October 22, 2006 EFP Al Rusafa Attack and his injuries, SGT Recendez has experienced severe physical and emotional pain and suffering.

609. **Specialist Brian Taylor** served in Iraq as a member of the U.S. Army at the time of the attack. The October 22, 2006 EFP Al Rusafa Attack severely wounded SPC Taylor, who suffered from an amputation to the right leg below the knee, injuries to his right thigh including loss of muscle, skin, and part of his femur, a dislocated knee, a damaged femoral artery, and compartment syndrome.

610. Plaintiff SPC Taylor was a U.S. national when attacked and is so today.

611. As a result of the October 22, 2006 EFP Al Rusafa Attack and his injuries, SPC Taylor has experienced severe physical and emotional pain and suffering.

612. **Major David Taylor Jr.** served in Iraq as a member of the U.S. Army at the time of the attack. MAJ Taylor was injured in the October 22, 2006 EFP Al Rusafa Attack . MAJ Taylor died on October 22, 2006, as a result of his injuries from the attack.

613. MAJ Taylor was a U.S. national when he was attacked and killed.

614. Plaintiff Michelle Taylor is the widow of MAJ Taylor and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of MAJ Taylor's estate.

615. Plaintiff Jacob Taylor is the son of MAJ Taylor and a U.S. national.

616. Plaintiff Phyllis Taylor is the mother of MAJ Taylor and a U.S. national.

617. Plaintiff John Taylor is the brother of MAJ Taylor and a U.S. national.

618. As a result of the October 22, 2006 EFP Al Rusafa Attack and MAJ Taylor's injuries and death, each member of the Taylor Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

619. As a result of the October 22, 2006 EFP Al Rusafa Attack , MAJ Taylor was injured in his person and/or property. The Plaintiff members of the Taylor Family are the survivors and/or heirs of MAJ Taylor and are entitled to recover for the damages he sustained.

I. The October 22, 2006 EFP Attack in Baghdad, Iraq (James Gmachowski)

620. On October 22, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "October 22, 2006 EFP New Baghdad Attack").

621. The October 22, 2006 EFP New Baghdad Attack was planned and authorized by Hizballah.

622. The October 22, 2006 EFP New Baghdad Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorists who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

623. **Staff Sergeant James Gmachowski** served in Iraq as a member of the U.S. Army at the time of the attack. The October 22, 2006 EFP New Baghdad Attack severely wounded SSG Gmachowski, who suffered from a golf-ball-sized piece of copper lodged in his back, which required invasive surgery to remove and 5 months to heal, a traumatic brain injury (TBI), and post-traumatic stress disorder (PTSD), resulting in a 100% VA disability rating.

624. Plaintiff SSG Gmachowski was a U.S. national when attacked and is so today.

625. As a result of the October 22, 2006 EFP New Baghdad Attack and his injuries, SSG Gmachowski has experienced severe physical and emotional pain and suffering.

J. The November 13, 2006 EFP Attack in Baghdad, Iraq (Lamb Family)

626. On November 13, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, executed an EFP attack that targeted Americans in the Karadah District of Baghdad, Iraq with a Jaysh al-Mahdi terrorist serving as the triggerman planting and detonating the EFP while being locally supervised by one or more Hizballah operatives deployed to the Joint Cell ("November 13, 2006 Attack").

627. The Joint Cell that committed the November 13, 2006 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

628. The EFP used by the Joint Cell to injure victims in the November 13, 2006 Attack was a Hizballah-designed, Iranian-manufactured EFP emplaced by Jaysh al-Mahdi terrorists at the direction of Hizballah, using specialized training and components funded by the IRGC and supplied to the Joint Cell that executed the attack by Hizballah.

629. The November 13, 2006 Attack was planned and authorized by Hizballah.

630. The November 13, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

631. **Sergeant Kurtiss Lamb** served in Iraq as a member of the U.S. Army at the time of the attack. The November 13, 2006 Attack severely wounded SGT Lamb, who suffered from partial paralysis to his arm, bulging disks in his lumbar spine, and a TBI, resulting in a 100% VA disability rating.

632. As a result of the November 13, 2006 Attack and his injuries, SGT Lamb has experienced severe physical and emotional pain and suffering.

633. Plaintiff SGT Lamb was a U.S. national when attacked and is so today.

634. Plaintiff Lisa Lamb is the wife of SGT Lamb and a U.S. national.

635. As a result of the November 13, 2006 Attack and SGT Lamb's injuries, the Plaintiff members of the Lamb Family have experienced severe mental anguish as well as emotional pain and suffering.

K. The November 16, 2006 Hostage-Taking Attack in Basra, Iraq (Coté, Johnson-Ruben, Munns, and Young Families)

636. On November 16, 2006, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex abduction and execution attack in Basra, Iraq targeting a convoy operated by Crescent Security, which resulted in the hostage-taking, detention, torture, and murder of Jonathan Coté, Paul Johnson-Reuben, Joshua Munns, and John Young, which attack continued through on or about 2008, when the remains of each victim were recovered (the "Crescent Security Attack").

637. The Crescent Security Attack was planned and authorized by Hizballah.

638. The Crescent Security Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victims of this attack were civilians not taking part in hostilities, were tortured during their captivity, and were executed without trial. Further, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

639. **Jonathon Coté** was in Iraq as a civilian working for the Crescent Security Group at the time of the attack. Jonathon Coté was injured in the November 16, 2006 Crescent Security Attack. A body was recovered on April 19, 2008, and identified as Jonathon Coté's remains on April 23, 2008.

640. In or about January 2007, the terrorists holding the Crescent Security contractors released a video that showed each man in a state of obvious distress. The video made plain the terroristic nature of the November 16, 2006 Crescent Security Attack. Among other things, the terrorists holding Mr. Coté hostage compelled him to state on camera: "I can't be released until the prisoners in the American jails and British jails are released." The video was broadcast on an Iranian state-run Arabic-language cable news outlet called al-Alam.

641. Jonathon Coté was a U.S. national when he was attacked and killed.

642. Plaintiff Francis Coté is the father of Jonathon Coté and a U.S. national.

643. Plaintiff Christopher Coté is the brother of Jonathon Coté and a U.S. national. He brings claims in both his personal capacity and his representative capacity on behalf of Jonathon Coté's estate.

644. Plaintiff Nancy Coté is the stepmother of Jonathon Coté and a U.S. national. Ms. Coté lived in the same household as Jonathon Coté for a substantial period of time and considered Jonathon Coté the functional equivalent of a biological son.

645. Plaintiff Maximillian Shroyer is the stepbrother of Jonathon Coté and a U.S. national. Mr. Shroyer lived in the same household as Jonathon Coté for a substantial period of time and considered Jonathon Coté the functional equivalent of a biological brother.

646. Plaintiff Samantha Dunford is the stepsister of Jonathon Coté and a U.S. national. Ms. Dunford lived in the same household as Jonathon Coté for a substantial period of time and considered Jonathon Coté the functional equivalent of a biological brother.

647. As a result of the November 16, 2006 Crescent Security Attack and Jonathon Coté's injuries and death, each member of the Coté Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

648. As a result of the November 16, 2006 Crescent Security Attack, Jonathon Coté was injured in his person and/or property. The Plaintiff members of the Coté Family are the survivors and/or heirs of Jonathon Coté and are entitled to recover for the damages he sustained.

649. **Paul Johnson-Reuben** was in Iraq as a civilian working for the Crescent Security Group at the time of the attack. Paul Johnson-Reuben was injured in the November 16, 2006 Crescent Security Attack. A body was recovered on March 26, 2008, and identified as Paul Johnon-Reuben's remains on March 27, 2008.

650. Paul Johnson-Reuben was a U.S. national when he was attacked and killed.

651. Plaintiff Bree Reuben is the daughter of Paul Johnson-Reuben and a U.S. national.

652. Plaintiff Casey Reuben is the daughter of Paul Johnson-Reuben and a U.S. national.

653. Plaintiff Ben Reuben is the father of Paul Johnson-Reuben and a U.S. national.

654. Plaintiff Patrick Reuben is the twin brother of Paul Johnson-Reuben and a U.S. national.

655. Plaintiff Quinten Reuben is the brother of Paul Johnson-Reuben and a U.S. national.

656. Plaintiff Linda Reuben is the stepmother of Paul Johnson-Reuben and a U.S. national. Ms. Reuben lived in the same household as Paul Johnson-Reuben for a substantial period of time and considered Paul Johnson-Reuben the functional equivalent of a biological son.

657. As a result of the November 16, 2006 Crescent Security Attack and Paul Johnson-Reuben's injuries and death, each member of the Johnson-Reuben Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

658. As a result of the November 16, 2006 Crescent Security Attack, Paul Johnson-Reuben was injured in his person and/or property. The Plaintiff members of the Johnson-Reuben Family are the survivors and/or heirs of Paul Johnson-Reuben and are entitled to recover for the damages he sustained.

659. **Joshua Munns** was in Iraq as a civilian working for the Crescent Security Group at the time of the attack. Joshua Munns was injured in the November 16, 2006 Crescent Security Attack. Joshua Munns's remains were identified on March 27, 2008, and his gravestone notes his date of death as March 23, 2008.

660. On information and belief, Joshua Munns was held hostage by terrorists affiliated with Jaysh al-Mahdi from on or about November 16, 2006, when he was kidnapped, to on or about 2008. Jaysh al-Mahdi members committed the November 16, 2006 Crescent Security Attack on November 16, 2006 and the subsequent hostage holding and execution of Joshua

Munns. Throughout this time period, Joshua Munns, and the Munns family members, suffered as a result of the kidnapping, notwithstanding the weekly briefings they received from State.

661. In or about 2008, the Jaysh al-Mahdi terrorists holding hostage Joshua Munns and the other Crescent Security contractors cut off one finger from each hostage - including Joshua Munns's - and transported the fingers to an intermediary, who ultimately provided them to the FBI, which determined that one of the fingers belonged to Joshua Munns.

662. On information and belief, on or after when the terrorists severed Joshua Munns's finger, the terrorists proceeded to beat Joshua Munns to death. They subsequently mutilated his remains.

663. On or about March 2008, four bodies were discovered near Basra. On March 27, 2008, the FBI publicly announced that it had confirmed that Joshua Munns's remains were among the recovered, and in April 2008 his body was returned to his family for cremation.

664. Joshua Munns was a U.S. national when he was attacked and killed.

665. Plaintiff Martha Stewart is the mother of Joshua Munns and a U.S. national.

666. Plaintiff Mark Munns is the father of Joshua Munns and a U.S. national.

667. Plaintiff Crista Munns is the stepmother of Joshua Munns and a U.S. national. Ms. Munns lived in the same household as Joshua Munns for a substantial period of time and considered Joshua Munns the functional equivalent of a biological son.

668. As a result of the November 16, 2006 Crescent Security Attack and Joshua Munns's injuries and death, each member of the Munns Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

669. As a result of the November 16, 2006 Crescent Security Attack, Joshua Munns was injured in his person and/or property. The Plaintiff members of the Munns Family are the survivors and/or heirs of Joshua Munns and are entitled to recover for the damages he sustained.

670. **John Young** was in Iraq as a civilian working for the Crescent Security Group at the time of the attack. John Young was injured in the November 16, 2006 Crescent Security Attack. John Young's remains were identified on March 24, 2008, and his death certificate notes his date of death as March 23, 2008.

671. John Young was a U.S. national when he was attacked and killed.

672. Plaintiff John Young is the son of John Young and a U.S. national.

673. Plaintiff Sharon DeBrabander is the mother of John Young and a U.S. national.

674. Plaintiff Dennis DeBrabander is the stepfather of John Young and a U.S. national. Mr. DeBrabander lived in the same household as John Young for a substantial period of time and considered John Young the functional equivalent of a biological son.

675. As a result of the November 16, 2006 Crescent Security Attack and John Young's injuries and death, each member of the Young Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

676. As a result of the November 16, 2006 Crescent Security Attack, John Young was injured in his person and/or property. The Plaintiff members of the Young Family are the survivors and/or heirs of John Young and are entitled to recover for the damages he sustained.

L. The January 5, 2007 Hostage-Taking Attack in Basra, Iraq (Withrow Family)

677. On January 5, 2007, the same Joint Cell (comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF) responsible for the November 16, 2006 Crescent Security Attack executed a kidnapping attack that resulted in the hostage-taking, detention, torture, and murder of an American civilian (the "January 5, 2007 Attack").

678. The Joint Cell that committed the January 5, 2007 Attack was led by forward-deployed Hizballah operatives, funded and logistically sustained by Hizballah, the Qods Force, and Jaysh al-Mahdi, armed and trained by Hizballah at camps in Iran, Iraq, Lebanon, and/or Syria that were run by Hizballah and funded by the IRGC.

679. The January 5, 2007 Attack was planned and authorized by Hizballah.

680. **Ronald Withrow** served as a civilian information technology contractor and computer specialist, who was hired by JPI Worldwide to help rebuild Iraq and provide IT-related services in support of such efforts. Mr. Withrow was kidnapped, held hostage, tortured, and ultimately murdered by the same Joint Cell responsible for the November 16, 2006 Crescent Security Attack. Specifically, on January 5, 2007, Ronald Withrow was kidnapped in Basra as part of an elaborate operation that was planned, coordinated and carried out by that Joint Cell.

681. Ronald Withrow was injured in the January 5, 2007 Attack. Ronald Withrow's remains were identified on March 24, 2008, and his death certificate notes his date of death as March 23, 2008.

682. On information and belief, a senior Jaysh al-Mahdi operative named Abu Zainab, and his two sons, helped supervise the kidnapping of Ronald Withrow, and did so in order to take American hostages for purposes of furthering Jaysh al-Mahdi's terrorist agenda. On information and belief, as a senior Jaysh al-Mahdi operative tasked with kidnapping operations, Abu Zainab received personal instruction, and direct operational support, from Hizballah with respect to kidnapping tactics and strategy.

683. On information and belief, senior Hizballah operative Daqduq planned, committed, and/or authorized some or all the kidnapping, detention, and summary execution of

Ronald Withrow. This belief is based upon, among other things, representations made by the U.S. government to the family members of the Crescent Security hostages.

684. On or about 2008, the terrorists holding Ronald Withrow, as well as the Crescent Security hostages, cut off one finger from each hostage, including Ronald Withrow's, and transported the fingers to an intermediary, who ultimately provided them to the FBI, which determined that one of the fingers belonged to Mr. Withrow. On or after when the terrorists severed Ronald Withrow's finger, the terrorists proceeded to beat him to death.

685. On or about March 24, 2008, the FBI announced that it had confirmed the recovery of Ronald Withrow's remains and made arrangements to return his remains to his family.

686. The January 5, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, Ronald Withrow was a civilian not taking part in hostilities, was tortured during captivity, and was executed without trial, and because the Jaysh al-Mahdi and Hizballah member(s) who carried out the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

687. Ronald Withrow was a U.S. national when he was attacked and killed.

688. Deceased Plaintiff Johnny Alexander is the stepfather of Ronald Withrow and a U.S. national. Mr. Alexander lived in the same household as Ronald Withrow for a substantial period of time and considered Ronald Withrow the functional equivalent of a biological son. Angela Alexander brings claims in her representative capacity as the Personal Representative of Johnny Alexander's estate.

689. As a result of the January 5, 2007 Attack and Ronald Withrow's injuries and death, each member of the Withrow Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

690. As a result of the January 5, 2007 Attack, Ronald Withrow was injured in his person and/or property. The Plaintiff members of the Withrow Family are the survivors and/or heirs of Ronald Withrow and are entitled to recover for the damages he sustained.

M. The February 1, 2007 EFP Attack in Baghdad, Iraq (Ryan Family)

691. On February 1, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack that targeted Americans in the Al Rashid District of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "February 1, 2007 Attack").

692. The February 1, 2007 Attack was planned and authorized by Hizballah.

693. The February 1, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist member(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

694. **Staff Sergeant Shawn Ryan** served in Iraq as a member of the U.S. Air Force as part of the 82nd Security Forces Squadron at the time of the attack. The February 1, 2007 Attack severely wounded SSgt Ryan, who suffered from shrapnel injuries that left him permanently disabled, resulting in a 100% VA disability rating. The EFP attack came inches away from killing SSgt Ryan.

695. As a result of the February 1, 2007 Attack and his injuries, SSgt Ryan has experienced severe physical and emotional pain and suffering.

696. Plaintiff SSgt Ryan was a U.S. national when attacked and is so today.

697. Plaintiff Sandra Ryan is the wife of SSgt Ryan and a U.S. national.

698. Plaintiff Austin Ryan is the son of SSgt Ryan. He is a U.S. national.

699. Plaintiff Barbara Thiede is the mother of SSgt Ryan and a U.S. national.

700. Plaintiff Angie Ryan is the sister of SSgt Ryan and a U.S. national.

701. Plaintiff Jason Ryan is the brother of SSgt Ryan and a U.S. national.

702. Plaintiff Teresa Beckley is the sister of SSgt Ryan and a U.S. national.

703. Plaintiff William Ryan is the brother of SSgt Ryan and a U.S. national.

704. As a result of the February 1, 2007 Attack and SSgt Ryan's injuries, the Plaintiff members of the Ryan Family have experienced severe mental anguish as well as emotional pain and suffering.

N. The February 2, 2007 EFP Attack in Baghdad, Iraq (Landeck Family)

705. On February 2, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Mahmudiya district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "February 2, 2007 Attack").

706. The February 2, 2007 Attack was planned and authorized by Hizballah.

707. The February 2, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

708. **Captain Kevin Landeck** served in Iraq as a member of the U.S. Army at the time of the attack. CPT Landeck was injured in the February 2, 2007 Attack. CPT Landeck died on February 2, 2007, as a result of his injuries from the attack.

709. CPT Landeck was a U.S. national when he was attacked and killed.

710. Plaintiff Victoria Landeck is the mother of CPT Landeck and a U.S. national.

711. Plaintiff Richard Landeck is the father of CPT Landeck and a U.S. national.

712. As a result of the February 2, 2007 Attack and CPT Landeck's injuries and death, each member of the Landeck Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

713. As a result of the February 2, 2007 Attack, CPT Landeck was injured in his person and/or property. The Plaintiff members of the Landeck Family are the survivors and/or heirs of CPT Landeck and are entitled to recover for the damages he sustained.

O. The March 27, 2007 Indirect Fire Attack in Baghdad, Iraq (Thomas Family)

714. On March 27, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an indirect fire attack in Baghdad Governorate, Iraq, including on the U.S. Embassy Diplomatic Compound in the Green Zone in the Karkh district of Baghdad, Iraq (the "March 27, 2007 Attack"). The March 27, 2007 Attack took place during a period when Jaysh al-Mahdi was specifically targeting the Green Zone with 107mm rockets.

715. Indirect fire ("IDF") attacks against the Green Zone, including the U.S. Embassy, were a signature attack of Jaysh al-Mahdi, and were a particular lever that Muqtada al-Sadr deployed with Hizballah's assistance. Hizballah specifically directed Jaysh al-Mahdi agents to launch indirect fire attacks against U.S. facilities in Baghdad - including the U.S. Embassy in the Green Zone - to terrorize American civilian leadership and intimidate America into changing its policy in Iraq.

716. Hizballah operatives participated in Jaysh al-Mahdi's 107mm rocket attacks against Americans in Baghdad, including the March 27, 2007 Attack. A State Department cable prepared on July 23, 2007 (as published by online) memorialized the consensus amongst U.S. and Iraqi personnel in Baghdad that Iran - and therefore its proxy Hizballah - played a specific

operational role with respect to "IDF Attacks on the Green Zone."[413] And a U.S. Army assessment prepared on March 16, 2008 (as published by online) concluded that indirect fire attacks against Americans in Baghdad were "most likely" the result of "Hezbollah operatives ... directing [Jaysh al-Mahdi] to conduct [indirect fire] attacks against CF/ISF in [the] Baghdad area, utilizing historic TAI [*i.e.*, Target Areas of Interest]."

717. The March 27, 2007 Attack was planned and authorized by Hizballah.

718. The March 27, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the attack placed civilians at risk, and because the Jaysh al-Mahdi member(s) who launched the rockets neither wore uniforms nor otherwise identified themselves as enemy combatants.

719. **Master Sergeant Sean Thomas** served in Iraq as part of the 28th Division Support Command of the U.S. Army National Guard. MSG Thomas was injured in the March 27, 2007 Attack. MSG Thomas died on March 27, 2007, as a result of his injuries from the attack. MSG Thomas was killed by a 107mm rocket that was transported, stored, and launched by Jaysh al-Mahdi.

720. MSG Thomas was a U.S. national when he was attacked and killed.

721. Plaintiff Carrie Thompson is the widow of MSG Thomas and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of MSG Thomas's estate.

722. Plaintiff Alexa Thomas is the daughter of MSG Thomas and a U.S. national.

723. Plaintiff Diana Thomas is the mother of MSG Thomas and a U.S. national.

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[413] U.S. Dep't of State, Cable, *July 15 Ministerial Committee on National Security* (Jul. 23, 2007) (as published online).

724. Plaintiff Daniel Thomas Sr. is the father of MSG Thomas and a U.S. national.

725. Plaintiff Daniel Thomas Jr. is the brother of MSG Thomas and a U.S. national.

726. Plaintiff David Thomas is the brother of MSG Thomas and a U.S. national.

727. Plaintiff Kelly Gillis is the sister of MSG Thomas and a U.S. national.

728. Plaintiff Melinda Flick is the sister of MSG Thomas and a U.S. national.

729. As a result of the March 27, 2007 Attack and MSG Thomas's injuries and death, each member of the Thomas Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

730. As a result of the March 27, 2007 Attack, MSG Thomas was injured in his person and/or property. The Plaintiff members of the Thomas Family are the survivors and/or heirs of MSG Thomas and are entitled to recover for the damages he sustained.

P. The April 6, 2007 EFP Attack in Baghdad, Iraq (Fuentes Family)

731. On April 6, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Al Rashid District of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 6, 2007 EFP Attack").

732. The April 6, 2007 EFP Attack was planned and authorized by Hizballah.

733. The April 6, 2007 EFP Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

734. **Private First Class Daniel Fuentes** served in Iraq as a member of the U.S. Army at the time of the attack. PFC Fuentes was injured in the April 6, 2007 EFP Attack. PFC Fuentes died on April 6, 2007, as a result of his injuries from the attack.

735. PFC Fuentes was a U.S. national when he was attacked and killed.

736. Plaintiff Emma McGarry is the fiancée of PFC Fuentes and a U.S. national.

737. As a result of the April 6, 2007 EFP Attack and PFC Fuentes's injuries and death, each member of the Fuentes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

738. As a result of the April 6, 2007 EFP Attack, PFC Fuentes was injured in his person and/or property. The Plaintiff members of the Fuentes Family are the survivors and/or heirs of PFC Fuentes and are entitled to recover for the damages he sustained.

Q. The April 6, 2007 Complex EFP Attack in Baghdad, Iraq (Kirby Family)

739. On April 6, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack in the Mua'lmeen neighborhood in the New Baghdad district of Baghdad, Iraq (the "April 6, 2007 Complex Attack"). The April 6, 2007 Complex Attack involved both a roadside EFP, supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah, and an ambulance that Jaysh al-Mahdi had rigged with explosives.

740. The April 6, 2007 Attack was planned and authorized by Hizballah.

741. The April 6, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

742. **Staff Sergeant John Kirby** served in Iraq as part of the 2-16 Rangers at the time of the attack. The April 6, 2007 Complex Attack severely wounded SSgt Kirby, who suffered from burns on his upper back, a TBI, and PTSD. As a result of the April 6, 2007 Complex Attack and his injuries, SSG Kirby has experienced severe physical and emotional pain and suffering.

743. Plaintiff SSG Kirby was a U.S. national when attacked and is so today.

744. Plaintiff Rebekah Kirby is the wife of SSG Kirby and a U.S. national.

745. As a result of the April 6, 2007 and his injuries, the Plaintiff members of the Kirby family have experienced severe mental anguish as well as emotional pain and suffering.

R. The April 7, 2007 EFP Attack in Baghdad, Iraq (Murphy-Sweet Family)

746. On April 7, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 7, 2007 Attack").

747. The April 7, 2007 Attack was planned and authorized by Hizballah.

748. The April 7, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the convoy that the terrorist(s) attacked was a civilian convoy, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

749. **Commander Philip Murphy-Sweet** served in Iraq as a member of the U.S. Navy at the time of the attack. CDR Murphy-Sweet was injured in the April 7, 2007 Attack. CDR Murphy-Sweet died on April 7, 2007, as a result of his injuries from the attack.

750. CDR Murphy-Sweet was a U.S. national when he was attacked and killed.

751. Plaintiff Anona Gonelli is the sister of CDR Murphy-Sweet and a U.S. national.

752. Plaintiff Elizabeth Murphy-Sweet is the sister of CDR Murphy-Sweet and a U.S. national.

753. Plaintiff Michael Murphy-Sweet is the brother of CDR Murphy-Sweet and a U.S. national.

754. As a result of the April 7, 2007 Attack and CDR Murphy-Sweet's injuries and death, each member of the Murphy-Sweet Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

755. As a result of the April 7, 2007 Attack, CDR Murphy-Sweet was injured in his person and/or property. The Plaintiff members of the Murphy-Sweet Family are the survivors and/or heirs of CDR Murphy-Sweet and are entitled to recover for the damages he sustained.

S. The April 9, 2007 EFP Attack in Baghdad, Iraq (Holden Family)

756. On April 9, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Karadah district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 9, 2007 Attack").

757. The April 9, 2007 Attack was planned and authorized by Hizballah.

758. The April 9, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

759. **Private First Class Brian Holden** served in Iraq as a member of the U.S. Army as part of the 2nd Battalion, 17th Field Artillery Regiment, 2nd Brigade Combat Team, 2nd Infantry Division at the time of the attack. PFC Holden was injured in the April 9, 2007 Attack. PFC Holden died on April 9, 2007, as a result of his injuries from the attack.

760. PFC Holden was a U.S. national when he was attacked and killed.

761. Plaintiff Leasa Dollar is the mother of PFC Holden and a U.S. national.

762. Plaintiff Eugene DeLozier is the stepfather of PFC Holden and a U.S. national. Mr. DeLozier lived in the same household as PFC Holden for a substantial period of time and considered PFC Holden the functional equivalent of a biological son.

763. As a result of the April 9, 2007 Attack and PFC Holden's injuries and death, each member of the Holden Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

764. As a result of the April 9, 2007 Attack, PFC Holden was injured in his person and/or property. The Plaintiff members of the Holden Family are the survivors and/or heirs of PFC Holden and are entitled to recover for the damages he sustained.

T. The April 28, 2007 Sniper Attack in Baghdad, Iraq (Jared Stevens)

765. On April 28, 2007, a Jaysh al-Mahdi sniper, acting in a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a sniper attack in the Kamaliyah neighborhood in the New Baghdad district of Baghdad, Iraq (the "April 28, 2007 Attack")

766. The April 28, 2007 Attack was planned and authorized by Hizballah.

767. The April 28, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who executed the attack neither wore a uniform nor otherwise identified himself as an enemy combatant.

768. **Sergeant First Class Jared Stevens** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The April 28, 2007 Attack severely wounded SFC Stevens, who suffered from a lip laceration which required immediate evacuation to FOB Rustamiyah.

769. Plaintiff SFC Stevens was a U.S. national when attacked and is so today.

770. As a result of the April 28, 2007 Attack and his injuries, SFC Stevens has experienced severe physical and emotional pain and suffering.

U. The May 5, 2007 Mortar Attack in Baghdad, Iraq (Jeremy Smith)

771. On May 5, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a mortar attack in the New Baghdad district of Baghdad, Iraq (the "May 5, 2007 Attack").

772. The May 5, 2007 Attack was planned and authorized by Hizballah.

773. The May 5, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who executed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

774. **Staff Sergeant Jeremy Smith** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The May 5, 2007 Attack severely wounded SSG Smith. SSG Smith was resting and refitting at COP Bushmaster in Kamaliyah when three mortar rounds were fired at the U.S. installation. One of the mortars impacted near SSG Smith, peppering him with shrapnel in his right arm and right leg. Though at first no major injury was visible, a piece of shrapnel had damaged a ligament in SSG Smith's right ankle. The injury impacted SSG Smith's ability to perform his job functions and required surgeries in 2011 and 2018.

775. Plaintiff SSG Smith was a U.S. national when attacked and is so today.

776. As a result of the May 5, 2007 Attack and his injuries, SSG Smith has experienced severe physical and emotional pain and suffering.

V. The May 8, 2007 EFP Attack in Diyala, Iraq (Stephens Family)

777. On May 8, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Salman Pak district of Diyala,

Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "May 8, 2007 Attack").

778. The May 8, 2007 Attack was planned and authorized by Hizballah.

779. The May 8, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

780. **Sergeant Blake Stephens** served in Iraq as a member of the U.S. Army as part of the 3rd Brigade Combat Team of the 3rd Infantry Division at the time of the attack. SGT Stephens was injured in the May 8, 2007 Attack. SGT Stephens died on May 8, 2007, as a result of his injuries from the attack.

781. SGT Stephens was a U.S. national when he was attacked and killed.

782. Plaintiff Erin Ructor is the widow of SGT Stephens and a U.S. national.

783. Plaintiff Kathleen Stephens is the mother of SGT Stephens and a U.S. national.

784. Plaintiff Trent Stephens is the father of SGT Stephens and a U.S. national.

785. Plaintiff Brittani Hobson is the sister of SGT Stephens and a U.S. national.

786. Plaintiff Derek Stephens is the brother of SGT Stephens and a U.S. national.

787. Plaintiff Rhett Stephens is the brother of SGT Stephens and a U.S. national.

788. Plaintiff Summer Stephens is the sister of SGT Stephens and a U.S. national.

789. As a result of the May 8, 2007 Attack and SGT Stephens's injuries and death, each member of the Stephens Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

790. As a result of the May 8, 2007 Attack, SGT Stephens was injured in his person and/or property. The Plaintiff members of the Stephens Family are the survivors and/or heirs of SGT Stephens and are entitled to recover for the damages he sustained.

W. The May 17, 2007 EFP Attack in Yusufiyah, Iraq (Packer Family)

791. On May 17, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Yusufiyah, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "May 17, 2007 Attack").

792. The May 17, 2007 Attack was planned and authorized by Hizballah.

793. The May 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

794. **Sergeant Steven Packer** served in Iraq as a member of the U.S. Army as part of A Company, 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division at the time of the attack. SGT Packer was injured in the May 17, 2007 Attack. SGT Packer died on May 17, 2007, as a result of his injuries from the attack.

795. SGT Packer was a U.S. national when he was attacked and killed.

796. Plaintiff Robin Davidson is the mother of SGT Packer and a U.S. national.

797. Plaintiff Christopher Packer is the brother of SGT Packer and a U.S. national.

798. Plaintiff Danielle Packer is the sister of SGT Packer and a U.S. national.

799. Plaintiff Jason Davidson is the brother of SGT Packer and a U.S. national.

800. Plaintiff Zachary Davidson is the brother of SGT Packer and a U.S. national.

801. As a result of the May 17, 2007 Attack and SGT Packer's injuries and death, each member of the Packer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

802. As a result of the May 17, 2007 Attack, SGT Packer was injured in his person and/or property. The Plaintiff members of the Packer Family are the survivors and/or heirs of SGT Packer and are entitled to recover for the damages he sustained.

X. The May 29, 2007 Sniper Attack in Baghdad, Iraq (Kirby Family)

803. On May 29, 2007, near Route Predator at the edge of the Fedilayah neighborhood in the New Baghdad district of Baghdad, Iraq, a Jaysh al-Mahdi sniper, acting in a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, shot SSG Kirby in the arm (the "May 29, 2007 Attack").

804. The May 29, 2007 Attack was planned and authorized by Hizballah.

805. The May 29, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorists used an ambulance as a weapon, and the Jaysh al-Mahdi member(s) who shot SSG Kirby neither wore uniforms nor otherwise identified themselves as enemy combatants.

806. Plaintiff SSG Kirby served in Iraq as part of the 2-16 Rangers at the time of the attack. The May 29, 2007 Attack severely wounded SSG Kirby, who suffered from a humerus broken in three places and later requiring an implant. Due to his injuries, SSG Kirby received a 60% disability rating from the VA. As a result of the May 29, 2007 Attack and his injuries, SSG Kirby has experienced severe physical and emotional pain and suffering.

807. Plaintiff SSG Kirby was a U.S. national at the time of attack and remains one today.

808. Plaintiff Rebekah Kirby is the wife of SSG Kirby and a U.S. national.

809. As a result of the May 29, 2007 Attack and his injuries, the Plaintiff members of the Kirby family have experienced severe mental anguish as well as emotional pain and suffering.

Y. The June 6, 2007 Complex Attack in Baghdad, Iraq (Gajdos Family)

810. On June 6, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving EFP and small arms fire in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "June 6, 2007 Attack").

811. The June 6, 2007 Attack was planned and authorized by Hizballah.

812. The June 6, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians

813. **Private First Class Shawn Gajdos** served in Iraq as a member of the U.S. Army at the time of the attack. PFC Gajdos was injured in the June 6, 2007 Attack. PFC Gajdos died on June 6, 2007, as a result of his injuries from the attack.

814. PFC Gajdos was a U.S. national when he was attacked and killed.

815. Plaintiff Tammie DenBoer is the sister of PFC Gajdos and a U.S. national.

816. As a result of the June 6, 2007 Attack and PFC Gajdos's injuries and death, each member of the Gajdos Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

817. As a result of the June 6, 2007 Attack, PFC Gajdos was injured in his person and/or property. The Plaintiff members of the Gajdos Family are the survivors and/or heirs of PFC Gajdos and are entitled to recover for the damages he sustained.

Z. The June 8, 2007 Complex Attack in Baghdad, Iraq (Brandeaux Campbell and Wilson Family)

818. On June 8, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving EFP and small arms fire in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "June 8, 2007 Attack").

819. The June 8, 2007 Attack was planned and authorized by Hizballah.

820. The June 8, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

821. **Specialist Brandeaux Campbell** served in Iraq as a member of the U.S. Army at the time of the attack. The June 8, 2007 Attack severely wounded SPC Campbell, who suffered from a concussion, lacerations to forehead, mouth and tongue, and shrapnel lodged in the shoulder and leg, resulting in a 70% VA disability rating.

822. Plaintiff SPC Campbell was a U.S. national when attacked and is so today.

823. As a result of the June 8, 2007 Attack and his injuries, SPC Campbell has experienced severe physical and emotional pain and suffering.

824. **Private First Class Ryan Wilson** served in Iraq as a member of the U.S. Army at the time of the attack. The June 8, 2007 Attack severely wounded PFC Wilson, who suffered from shrapnel wounds to the right arm, resulting in a 90% VA disability rating.

825. As a result of the June 8, 2007 Attack and his injuries, PFC Wilson has experienced severe physical and emotional pain and suffering.

826. Plaintiff PFC Wilson was a U.S. national when attacked and is so today.

827. Plaintiff Jami Wilson is the wife of PFC Wilson and a U.S. national.

828. As a result of the June 8, 2007 Attack and PFC Wilson's injuries, the Plaintiff members of the Wilson Family have experienced severe mental anguish as well as emotional pain and suffering.

AA. The June 11, 2007 EFP Attack in Baghdad, Iraq (Payne Family)

829. On June 11, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "June 11, 2007 Attack").

830. The June 11, 2007 Attack was planned and authorized by Hizballah.

831. The June 11, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

832. **Specialist Cameron Payne** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. SPC Payne was injured in the June 11, 2007 Attack. SPC Payne died on June 11, 2007, as a result of his injuries from the attack.

833. SPC Payne was a U.S. national when he was attacked and killed.

834. Plaintiff Denise Jackson is the mother of SPC Payne and a U.S. national.

835. As a result of the June 11, 2007 Attack and SPC Payne's injuries and death, each member of the Payne Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

836. As a result of the June 11, 2007 Attack, SPC Payne was injured in his person and/or property. The Plaintiff members of the Payne Family are the survivors and/or heirs of SPC Payne and are entitled to recover for the damages he sustained.

BB. The June 25, 2007 EFP Attack in Baghdad, Iraq (Johnny Castillo Jr. and Craig Family)

837. On June 25, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "June 25, 2007 Attack").

838. The June 25, 2007 Attack was planned and authorized by Hizballah.

839. The June 25, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

840. **Sergeant Johnny Castillo Jr.** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The June 25, 2007 Attack severely wounded SGT Castillo, who suffered from a neck injury and nerve damage.

841. Plaintiff SGT Castillo was a U.S. national when attacked and is so today.

842. As a result of the June 25, 2007 Attack and his injuries, SGT Castillo has experienced severe physical and emotional pain and suffering.

843. **Specialist Andre Craig Jr.** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. SPC Craig was injured in the June 25, 2007 Attack. SPC Craig died on June 25, 2007, as a result of his injuries from the attack.

844. SPC Craig was a U.S. national when he was attacked and killed.

845. Plaintiff Joyce Craig is the mother of SPC Craig and a U.S. national.

846. Plaintiff Aundra Craig is the father of SPC Craig and a U.S. national.

847. Plaintiff Andre Brown is the brother of SPC Craig and a U.S. national.

848. Plaintiff Debra Cook-Russell is the sister of SPC Craig and a U.S. national.

849. Plaintiff Jonathan Craig is the brother of SPC Craig and a U.S. national.

850. Plaintiff Michael Cook is the brother of SPC Craig and a U.S. national.

851. Plaintiff Valencia Cook is the sister of SPC Craig and a U.S. national.

852. As a result of the June 25, 2007 Attack and SPC Craig's injuries and death, each member of the Craig Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

853. As a result of the June 25, 2007 Attack, SPC Craig was injured in his person and/or property. The Plaintiff members of the Craig Family are the survivors and/or heirs of SPC Craig and are entitled to recover for the damages he sustained.

CC. The June 30, 2007 Sniper Attack in Baghdad, Iraq (Tutwiler Family)

854. On June 30, 2007, a Jaysh al-Mahdi sniper, acting in a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a sniper attack in in eastern Baghdad, Iraq near Route Pluto (the "June 30, 2007 Attack").

855. The June 30, 2007 Attack was planned and authorized by Hizballah.

856. The June 30, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the Jaysh al-Mahdi sniper who executed the attack neither wore a uniform nor otherwise identified himself as an enemy combatant.

857. **Private First Class Patrick Tutwiler** served in Iraq as a member of the U.S. Army at the time of the attack. The June 30, 2007 Attack severely wounded PFC Tutwiler. During the attack, a Jaysh al-Mahdi sniper shot PFC Tutwiler through the face and neck. Due to his injuries, PFC Tutwiler received a 100% VA disability rating.

858. As a result of the June 30, 2007 Attack and his injuries, PFC Tutwiler has experienced severe physical and emotional pain and suffering.

859. Plaintiff PFC Tutwiler was a U.S. national when attacked and is so today.

860. Plaintiff Crystal Tutwiler is the wife of PFC Tutwiler and a U.S. national.

861. As a result of the June 30, 2007 Attack and PFC Tutwiler's injuries, the Plaintiff members of the Tutwiler Family have experienced severe mental anguish as well as emotional pain and suffering.

DD. The July 6, 2007 IED Attack in Baghdad, Iraq (Matthew Mergele)

862. On July 6, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an IED attack in the New Baghdad district of Baghdad, Iraq (the "July 6, 2007 Attack"). The IED was supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah.

863. The July 6, 2007 Attack was planned and authorized by Hizballah.

864. The July 6, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorists who planted and detonated the IED neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

865. **Specialist Matthew Mergele** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The July 6, 2007 Attack severely wounded SPC Mergele, who suffered from difficulty hearing in his left ear, tinnitus, and headaches.

866. Plaintiff SPC Mergele was a U.S. national when attacked and is so today.

867. As a result of the July 6, 2007 Attack and his injuries, SPC Mergele has experienced severe physical and emotional pain and suffering.

EE. The July 17, 2007 IED Attack in Baghdad, Iraq (Tausolo Aieti, Harrelson Family, and Price Family)

868. On July 17, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an IED attack in the New Baghdad district of Baghdad, Iraq (the "July 17, 2007 IED Attack"). The IED was supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah.

869. The July 17, 2007 IED Attack was planned and authorized by Hizballah.

870. The July 17, 2007 IED Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the IED neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

871. **Specialist Tausolo Aieti** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The July 17, 2007 IED Attack severely wounded SPC Aieti, who suffered from leg injuries and a TBI, resulting in a 90% VA disability rating.

872. Plaintiff SPC Aieti was a U.S. national when attacked and is so today.

873. As a result of the July 17, 2007 IED Attack and his injuries, SPC Aieti has experienced severe physical and emotional pain and suffering.

874. **Private First Class James Harrelson** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. PFC Harrelson was injured in the July 17, 2007 IED Attack. PFC Harrelson died on July 17, 2007, as a result of his injuries from the attack.

875. PFC Harrelson was a U.S. national when he was attacked and killed.

876. Plaintiff Tammy Kinney is the mother of PFC Harrelson and a U.S. national.

877. As a result of the July 17, 2007 IED Attack and PFC Harrelson's injuries and death, each member of the Harrelson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

878. As a result of the July 17, 2007 IED Attack, PFC Harrelson was injured in his person and/or property. The Plaintiff members of the Harrelson Family are the survivors and/or heirs of PFC Harrelson and are entitled to recover for the damages he sustained.

879. **Specialist Daniel Price** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The July 17, 2007 IED Attack severely wounded SPC Price, who suffered from shrapnel wounds to his face that cut his tear duct and a fractured leg, resulting in a 90% VA unemployability rating.

880. As a result of the July 17, 2007 Attack and his injuries, SPC Price has experienced severe physical and emotional pain and suffering.

881. Plaintiff SPC Price was a U.S. national when attacked and is so today.

882. Plaintiff Terri Overton is the mother of SPC Price and a U.S. national.

883. As a result of the July 17, 2007 Attack and SPC Price's injuries, the Plaintiff members of the Price Family have experienced severe mental anguish as well as emotional pain and suffering.

FF.The July 17, 2007 Mortar Attack in Baghdad, Iraq (Bouten Family)

884. On July 17, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a mortar attack in Kamaliyah neighborhood in eastern Baghdad, Iraq (the "July 17, 2007 Mortar Attack").

885. The July 17, 2007 Mortar Attack was planned and authorized by Hizballah.

886. The July 17, 2007 Mortar Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who launched the mortar attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

887. **Sergeant Christopher Bouten** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The July 17, 2007 Mortar Attack severely wounded SGT Bouten. SGT Bouten was injured by a mortar round fired by Jaysh al-Mahdi on the COP that served as the base for the Bravo Company of the 2-16 Rangers. He was hit by shrapnel on his neck, back, and leg and was subsequently medically retired. Due to his injuries, SGT Bouten received a 90% VA disability rating.

888. As a result of the July 17, 2007 Mortar Attack and his injuries, SGT Bouten has experienced severe physical and emotional pain and suffering.

889. Plaintiff SGT Bouten was a U.S. national when attacked and is so today.

890. Plaintiff Erin Bouten is the wife of SGT Bouten and a U.S. national.

891. As a result of the July 17, 2007 Mortar Attack and SGT Bouten's injuries, the Plaintiff members of the Bouten Family have experienced severe mental anguish as well as emotional pain and suffering.

GG. The July 19, 2007 EFP Attack in Diyala, Iraq (Daniel Dudek)

892. On July 19, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in Husseinyah district of Diyala, Iraq,

which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "July 19, 2007 Attack").

893. The July 19, 2007 Attack was planned and authorized by Hizballah.

894. The July 19, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

895. **Colonel Daniel Dudek** served in Iraq as a member of the U.S. Army at the time of the attack. COL Dudek was in his third year as a Brigade Fire Officer for the 4th Brigade, 2nd Infantry Division, a then-active Stryker Brigade Combat Team active in Taji in support of the U.S. government's efforts under the Baghdad Security Plan to interdict Jaysh al-Mahdi terrorist operations that threatened the Green Zone and risked destabilizing Iraq.

896. The July 19, 2007 Attack severely wounded COL Dudek. COL Dudek was seriously injured by an EFP planted and detonated by Jaysh al-Mahdi on the north side of Husseinyah, a Jaysh al-Mahdi stronghold north of Baghdad. The EFP attack resulted in the death of one soldier and left COL Dudek with limited paralysis in his hips and legs plus complete paralysis in both of his calves, ankles, and feet; he also suffered from a deep shrapnel hole in his back and pieces of fragmentation all throughout his left arm, hips, and buttocks area. Additionally, the attack caused a cauda equina injury (nerve damage at the base of the spinal cord), as well as glute muscle injuries.

897. Plaintiff COL Dudek was a U.S. national when attacked and is so today.

898. As a result of the July 19, 2007 Attack and his injuries, COL Dudek has experienced severe physical and emotional pain and suffering.

HH. The August 6, 2007 EFP Attack in Baghdad, Iraq (Neiberger Family)

899. On August 6, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in Al Rashid district in western Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "August 6, 2007 Attack").

900. The August 6, 2007 Attack was planned and authorized by Hizballah.

901. The August 6, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

902. **Specialist Christopher Neiberger** served in Iraq as a member of the U.S. Army as part of the 1st Battalion, 18th Infantry Regiment at the time of the attack. He served as a tank gunner. SPC Neiberger was injured in the August 6, 2007 Attack. SPC Neiberger died on August 6, 2007, as a result of his injuries from the attack.

903. SPC Neiberger was a U.S. national when he was attacked and killed.

904. Plaintiff Mary Neiberger is the mother of SPC Neiberger and a U.S. national.

905. Plaintiff Richard Neiberger is the father of SPC Neiberger and a U.S. national.

906. Plaintiff Ami Neiberger is the sister of SPC Neiberger and a U.S. national.

907. Plaintiff Eric Neiberger is the brother of SPC Neiberger and a U.S. national.

908. Plaintiff Robert Neiberger is the brother of SPC Neiberger and a U.S. national.

909. As a result of the August 6, 2007 Attack and SPC Neiberger's injuries and death, each member of the Neiberger Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

910. As a result of the August 6, 2007 Attack, SPC Neiberger was injured in his person and/or property. The Plaintiff members of the Neiberger Family are the survivors and/or heirs of SPC Neiberger and are entitled to recover for the damages he sustained.

II. The August 14, 2007 Sniper Attack in Baghdad, Iraq (Casey Family)

911. On August 14, 2007, a Jaysh al-Mahdi sniper, acting in a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a sniper attack in the New Baghdad district of Baghdad, Iraq (the "August 14, 2007 Attack").

912. The August 14, 2007 Attack was planned and authorized by Hizballah.

913. The August 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the Jaysh al-Mahdi member who executed the attack neither wore a uniform nor otherwise identified himself as an enemy combatant.

914. **Second Lieutenant Brian Casey** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The August 14, 2007 Attack severely wounded 2LT Casey. 2LT Casey was leading a platoon securing a gas station near Route Predator, providing security to prevent Jaysh al-Mahdi from extorting the local population, when he was shot by a Jaysh al-Mahdi sniper. The sniper round collapsed 2LT Casey's lung and fractured his ribs. Due to his injuries, 2LT Casey received a 20% disability rating from the VA.

915. As a result of the August 14, 2007 Attack and his injuries, 2LT Casey has experienced severe physical and emotional pain and suffering.

916. Plaintiff 2LT Casey was a U.S. national when attacked and is so today.

917. Plaintiff Brittany Hogan was the wife of 2LT Casey at the time of the attack, and a U.S. national.

918. Plaintiff Shelley Casey is the mother of 2LT Casey and a U.S. national.

919. Plaintiff Richard Casey is the father of 2LT Casey and a U.S. national.

920. As a result of the August 14, 2007 Attack and 2LT Casey's injuries, the Plaintiff members of the Casey Family have experienced severe mental anguish as well as emotional pain and suffering.

JJ. The August 17, 2007 EFP Attack in Baghdad, Iraq (Looney Family)

921. On August 17, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack near the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "August 17, 2007 Attack").

922. The August 17, 2007 Attack was planned and authorized by Hizballah.

923. The August 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

924. **Sergeant Andrew Looney** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The August 17, 2007 Attack severely wounded SGT Looney, who suffered from a partial right foot amputation, shrapnel in his leg, and burns and lacerations to his hand. SGT Looney is now deceased due to injuries sustained in an unrelated attack.

925. SGT Looney was a U.S. national at the time of the attack and his death.

926. Plaintiff Martha Looney is the mother of SGT Looney and a U.S. national.

927. As a result of the August 17, 2007 Attack and SGT Looney's injuries, each member of the Looney Family have experienced severe mental anguish as well as emotional pain and suffering.

928. As a result of the August 17, 2007 Attack, SGT Looney was injured in his person and/or property. The Plaintiff members of the Looney Family are the survivors and/or heirs of SGT Looney and are entitled to recover for the damages he sustained.

KK. The August 23, 2007 EFP Attack in Baghdad, Iraq (Mario Bowen)

929. On August 23, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack south of FOB Rustamiyah, near Route Pluto in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "August 23, 2007 Attack").

930. The August 23, 2007 Attack was planned and authorized by Hizballah.

931. The August 23, 2007 Attack would have violated the laws of war if Jaysh al-Mahdi were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

932. **Sergeant First Class Mario Bowen** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The August 23, 2007 Attack severely wounded SFC Bowen, who suffered from a loss of consciousness, TBI, memory loss, speech issues, and headaches.

933. Plaintiff SFC Bowen was a U.S. national when attacked and is so today.

934. As a result of the August 23, 2007 Attack and his injuries, SFC Bowen has experienced severe physical and emotional pain and suffering.

LL. The September 2, 2007 EFP Attack in Baghdad, Iraq (White Family)

935. On September 2, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Rusafa district of

Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "September 2, 2007 EFP Attack").

936. The September 2, 2007 EFP Attack was planned and authorized by Hizballah.

937. The September 2, 2007 EFP Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

938. **Staff Sergeant Delmar White** served in Iraq as a member of the U.S. Army National Guard as part of the 2nd Battalion of the 138th Field Artillery at the time of the attack. SSG White was injured in the September 2, 2007 EFP Attack. SSG White died on September 2, 2007, as a result of his injuries from the attack.

939. SSG White was a U.S. national when he was attacked and killed.

940. Plaintiff Michele White is the widow of SSG White and a U.S. national.

941. As a result of the September 2, 2007 EFP Attack and SSG White's injuries and death, each member of the White Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

942. As a result of the September 2, 2007 EFP Attack, SSG White was injured in his person and/or property. The Plaintiff members of the White Family are the survivors and/or heirs of SSG White and are entitled to recover for the damages he sustained.

MM. The September 2, 2007 Complex Attack in Baghdad, Iraq (Joshua Wold)

943. On September 2, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving EFP and small arms fire on Route Pluto west of FOB Rustamiyah in the New Baghdad district of Baghdad, Iraq,

which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "September 2, 2007 Complex Attack").

944. The September 2, 2007 Complex Attack was planned and authorized by Hizballah.

945. The September 2, 2007 Complex Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFPs neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

946. **Sergeant Joshua Wold** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The September 2, 2007 Complex Attack severely wounded SGT Wold, who suffered from a partial amputation of the right foot, resulting in a 40% VA disability rating.

947. Plaintiff SGT Wold was a U.S. national when attacked and is so today.

948. As a result of the September 2, 2007 Complex Attack and his injuries, SGT Wold has experienced severe physical and emotional pain and suffering.

NN. The September 4, 2007 EFP Attack in Baghdad, Iraq (Mixson and Murray Families)

949. On September 4, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack on Route Predator near the Mashtal neighborhood of the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "September 4, 2007 Attack"). After activation, the EFP was set to detonate using a passive infrared trigger system.

950. The September 4, 2007 Attack was planned and authorized by Hizballah.

951. The September 4, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

952. **Corporal Joseph Mixson** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The September 4, 2007 Attack severely wounded CPL Mixson, who suffered from a skull fracture, a TBI, the loss of one of his elbows, and loss of both legs above the knee, resulting in a 100% VA disability rating.

953. As a result of the September 4, 2007 Attack and his injuries, CPL Mixson has experienced severe physical and emotional pain and suffering.

954. Plaintiff CPL Mixson was a U.S. national when attacked and is so today.

955. Plaintiff Karon Mixson is the mother of CPL Mixson and a U.S. national.

956. Plaintiff Joseph Mixson Jr. is the father of CPL Mixson and a U.S. national.

957. Plaintiff Alicia Mixson is the sister of CPL Mixson and a U.S. national.

958. As a result of the September 4, 2007 Attack and CPL Mixson's injuries, the Plaintiff members of the Mixson Family have experienced severe mental anguish as well as emotional pain and suffering.

959. **Sergeant Joel Murray** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. SGT Murray was injured in the September 4, 2007 Attack. SGT Murray died on September 4, 2007, as a result of his injuries from the attack.

960. SGT Murray was a U.S. national when he was attacked and killed.

961. Plaintiff Maricel Murray is the widow of SGT Murray and a U.S. national.

962. Plaintiff Jerry Murray is the son of SGT Murray and a U.S. national.

963. Plaintiff W. Ann Meuli is the mother of SGT Murray and a U.S. national.

964. As a result of the September 4, 2007 Attack and SGT Murray's injuries and death, each member of the Murray Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

965. As a result of the September 4, 2007 Attack, SGT Murray was injured in his person and/or property. The Plaintiff members of the Murray Family are the survivors and/or heirs of SGT Murray and are entitled to recover for the damages he sustained.

OO. The September 22, 2007 EFP Attack in Baghdad, Iraq (Reeves Family)

966. On September 22, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack outside of FOB Rustamiyah in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "September 22, 2007 Attack"). After activation, the EFP was set to detonate using a passive infrared trigger system.

967. The September 22, 2007 Attack was planned and authorized by Hizballah.

968. The September 22, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and because the passive infrared trigger system placed civilians at risk.

969. **Corporal Joshua Reeves** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. CPL Reeves was injured in the September 22, 2007 Attack. CPL Reeves died on September 22, 2007, as a result of his injuries from the attack. When his vehicle was hit by the EFP that killed him, CPL Reeves was returning to FOB Rustamiyah from a gas station across the street, where he had been providing security to prevent Jaysh al-Mahdi from extorting the local population. CPL Reeves initially survived the EFP

detonation, losing consciousness from the pain and shock of the injuries he suffered. Although CPL Reeves initially survived the attack, he died from his injuries later that day. CPL Reeves died one day after his first child was born.

970. CPL Reeves was a U.S. national when he was attacked and killed.

971. Plaintiff Leslie Hardcastle is the widow of CPL Reeves and a U.S. national.

972. Plaintiff J.R., by and through his next friend Leslie Hardcastle, is the minor son of CPL Reeves. He is a U.S. national.

973. Plaintiff W. Jean Reeves is the mother of CPL Reeves and a U.S. national.

974. Plaintiff James Reeves is the father of CPL Reeves and a U.S. national.

975. Plaintiff Jared Reeves is the brother of CPL Reeves and a U.S. national.

976. Plaintiff Joni Little is the sister of CPL Reeves and a U.S. national.

977. Plaintiff Sherri Hoilman is the sister of CPL Reeves and a U.S. national.

978. As a result of the September 22, 2007 Attack and CPL Reeves's injuries and death, each member of the Reeves Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

979. As a result of the September 22, 2007 Attack, CPL Reeves was injured in his person and/or property. The Plaintiff members of the Reeves Family are the survivors and/or heirs of CPL Reeves and are entitled to recover for the damages he sustained.

PP. The September 30, 2007 Sniper Attack in Baghdad, Iraq (Olguin Family)

980. On September 30, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a sniper attack in Adhamiyah district of Baghdad, Iraq (the "September 30, 2007 Attack").

981. The September 30, 2007 Attack Attack was planned and authorized by Hizballah.

982. The September 30, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

983. **Sergeant Randell Olguin** served in Iraq as a member of the U.S. Army as part of the 1-2 Stryker Cavalry Regiment at the time of the attack. SGT Olguin was injured in the September 30, 2007 Attack. SGT Olguin died on September 30, 2007, as a result of his injuries from the attack.

984. SGT Olguin was a U.S. national when he was attacked and killed.

985. Plaintiff Anita Baker is the sister of SGT Olguin and a U.S. national.

986. Plaintiff Janet Rios is the sister of SGT Olguin and a U.S. national.

987. Plaintiff Jennie Ardoin is the sister of SGT Olguin and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of SGT Olguin's estate.

988. Plaintiff Jose Olguin is the brother of SGT Olguin and a U.S. national.

989. As a result of the September 30, 2007 Attack and SGT Olguin's injuries and death, each member of the Olguin Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

990. As a result of the September 30, 2007 Attack, SGT Olguin was injured in his person and/or property. The Plaintiff members of the Olguin Family are the survivors and/or heirs of SGT Olguin and are entitled to recover for the damages he sustained.

QQ. The November 26, 2007 IED Attack in Wasit, Iraq (Juneau Family)

991. On November 26, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an IED attack in A'zizyiah district in Wasit,

Iraq (the "November 26, 2007 Attack"). The IED was supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah.

992. The November 26, 2007 Attack was planned and authorized by Hizballah.

993. The November 26, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victims included civilians not taking part in hostilities, and the terrorist(s) who planted and detonated the IED neither wore uniforms nor otherwise identified themselves as enemy combatants.

994. **William Juneau** was in Iraq as a civilian working for DynCorp, Int'l to train members of lraq's police service at the time of the attack. William Juneau was injured in the November 26, 2007 Attack. William Juneau died on November 26, 2007, as a result of his injuries from the attack.

995. William Juneau was a U.S. national when he was attacked and killed.

996. Plaintiff Bridget Juneau is the twin sister of William Juneau and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of William Juneau's estate.

997. Plaintiff Stephanie Juneau is the sister of William Juneau and a U.S. national.

998. As a result of the November 26, 2007 Attack and William Juneau's injuries and death, each member of the Juneau Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

999. As a result of the November 26, 2007 Attack, William Juneau was injured in his person and/or property. The Plaintiff members of the Juneau Family are the survivors and/or heirs of William Juneau and are entitled to recover for the damages he sustained.

RR. The December 9, 2007 EFP Attack in Wasit, Iraq (Doheny Family, Evard Family, Billy Johnson, and Shaw Family)

1000. On December 9, 2007, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in Az Zubayidiyah district, a Jaysh al-Mahdi stronghold in Wasit, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "December 9, 2007 Attack").

1001. The December 9, 2007 Attack was planned and authorized by Hizballah.

1002. The December 9, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victims were civilians not taking part in hostilities, and the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants.

1003. **Michael Doheny** was in Iraq as a civilian working for Tetra Tech as a subcontractor providing security for civilian contractors who disposed of captured munitions at the time of the attack. Michael Doheny was injured in the December 9, 2007 Attack. Michael Doheny died on December 9, 2007, as a result of his injuries from the attack.

1004. Michael Doheny was a U.S. national when he was attacked and killed.

1005. Plaintiff Melissa Doheny is the widow of Michael Doheny and a U.S. national.

1006. Plaintiff Robert Kugler is the brother of Michael Doheny and a U.S. national.

1007. As a result of the December 9, 2007 Attack and Michael Doheny's injuries and death, each member of the Doheny Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1008. As a result of the December 9, 2007 Attack, Michael Doheny was injured in his person and/or property. The Plaintiff members of the Doheny Family are the survivors and/or heirs of Michael Doheny and are entitled to recover for the damages he sustained.

1009. **Steven Evrard** was in Iraq as a civilian for SOC as a subcontractor providing security for civilian contractors who disposed of captured munitions at the time of the attack. Steven Evrard was injured in the December 9, 2007 Attack. Steven Evrard died on December 9, 2007, as a result of his injuries from the attack.

1010. Steven Evrard was a U.S. national when he was attacked and killed.

1011. Plaintiff Tanya Evrard is the widow of Steven Evrard and a U.S. national.

1012. As a result of the December 9, 2007 Attack and Steven Evrard's injuries and death, each member of the Evrard Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1013. As a result of the December 9, 2007 Attack, Steven Evrard was injured in his person and/or property. The Plaintiff members of the Evrard Family are the survivors and/or heirs of Steven Evrard and are entitled to recover for the damages he sustained.

1014. **Billy Johnson** was in Iraq as a private security specialist as a subcontractor providing security for civilian contractors who disposed of captured munitions at the time of the attack. The December 9, 2007 Attack severely wounded Billy Johnson, who suffered from a right leg amputation below the knee, multiple surgical implants in his left leg and left arm, an amputation of one finger on his left hand, and a partial amputation of a finger on his right hand.

1015. Plaintiff Billy Johnson was a U.S. national when attacked and is so today.

1016. As a result of the December 9, 2007 Attack and his injuries, Billy Johnson has experienced severe physical and emotional pain and suffering.

1017. **Micah Shaw** was in Iraq as a civilian working for Tetra Tech as a subcontractor providing security for civilian contractors who disposed of captured munitions at the time of the attack. Micah Shaw was injured in the December 9, 2007 Attack. Micah Shaw died on December 9, 2007, as a result of his injuries from the attack.

1018. Micah Shaw was a U.S. national when he was attacked and killed.

1019. Plaintiff Elena Shaw is the widow of Micah Shaw and a U.S. national.

1020. Plaintiff Casey Shaw is the son of Micah Shaw and a U.S. national.

1021. Plaintiff Emily Shaw is the daughter of Micah Shaw and a U.S. national.

1022. Plaintiff Lilly-Bean Shaw is the daughter of Micah Shaw and a U.S. national.

1023. As a result of the December 9, 2007 Attack and Micah Shaw's injuries and death, each member of the Shaw Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1024. As a result of the December 9, 2007 Attack, Micah Shaw was injured in his person and/or property. The Plaintiff members of the Shaw Family are the survivors and/or heirs of Micah Shaw and are entitled to recover for the damages he sustained.

SS. The January 30, 2008 EFP Attack in Baghdad, Iraq (Lukow Family)

1025. On January 30, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the New Baghdad district of Baghdad, Iraq along the outskirts of the al Jadeeda neighborhood nearing Route Predator, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "January 30, 2008 Attack").

1026. The January 30, 2008 Attack was planned and authorized by Hizballah.

1027. The January 30, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the

EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1028. **Staff Sergeant Michael Lukow** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The January 30, 2008 Attack severely wounded SSG Lukow, who suffered from an amputation of the right foot and injury to the left foot, resulting in a 70% disability rating.

1029. As a result of the January 30, 2008 Attack and his injuries, SSG Lukow has experienced severe physical and emotional pain and suffering.

1030. Plaintiff SSG Lukow was a U.S. national when attacked and is so today.

1031. Plaintiff Rikki Lukow is the mother of SSG Lukow and a U.S. national.

1032. Plaintiff Bruce Lukow is the father of SSG Lukow and a U.S. national.

1033. Plaintiff Andrew Lukow is the brother of SSG Lukow and a U.S. national.

1034. Plaintiff Joseph Lukow is the brother of SSG Lukow and a U.S. national.

1035. Plaintiff Kristen Kelley is the sister of SSG Lukow and a U.S. national.

1036. As a result of the January 30, 2008 Attack and SSG Lukow's injuries, the Plaintiff members of the Lukow Family have experienced severe mental anguish as well as emotional pain and suffering.

TT. The March 11, 2008 IED Attack in Babil, Iraq (West Family)

1037. On March 11, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an IED attack in Babil, Iraq (the "March 11, 2008 Attack"). The IED was supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah.

1038. The March 11, 2008 Attack was planned and authorized by Hizballah.

1039. The March 11, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the roadside bomb neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1040. **Staff Sergeant Laurent West** served in Iraq as a member of the U.S. Army as part of the 3rd Squadron, 73rd Cavalry Regiment, 1st Brigade Combat Team, 82nd Airborne Division at the time of the attack. SSG West was injured in the March 11, 2008 Attack. SSG West died on March 11, 2008, as a result of his injuries from the attack.

1041. SSG West was a U.S. national when he was attacked and killed.

1042. Plaintiff Michelle West is the widow of SSG West and a U.S. national.

1043. As a result of the March 11, 2008 Attack and SSG West's injuries and death, each member of the West Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1044. As a result of the March 11, 2008 Attack, SSG West was injured in his person and/or property. The Plaintiff members of the West Family are the survivors and/or heirs of SSG West and are entitled to recover for the damages he sustained.

UU. The March 29, 2008 Complex EFP Attack in Baghdad, Iraq (Hanley Family, Miller Family, and Carl Reiher)

1045. On March 29, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving EFP and small arms fire in the New Baghdad district of Baghdad, Iraq between the New Baghdad District Advisory Council and COP Cajimat, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "March 29, 2008 Attack").

1046. The March 29, 2008 Attack was planned and authorized by Hizballah.

1047. The March 29, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1048. **Specialist Patrick Hanley** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. The March 29, 2008 Attack severely wounded SPC Hanley, who suffered from the loss of the left arm and one third of the skull, resulting in a 100% VA disability rating.

1049. As a result of the March 29, 2008 Attack and his injuries, SPC Hanley has experienced severe physical and emotional pain and suffering.

1050. Plaintiff SPC Hanley was a U.S. national when attacked and is so today.

1051. Plaintiff Edward Hanley is the father of SPC Hanley and a U.S. national.

1052. As a result of the March 29, 2008 Attack and SPC Hanley's injuries, the Plaintiff members of the Hanley Family have experienced severe mental anguish as well as emotional pain and suffering .

1053. **Private First Class Patrick Miller** served in Iraq as a member of the U.S. Army as part of the 2-16 Rangers at the time of the attack. PFC Miller was injured in the March 29, 2008 Attack. PFC Miller died on March 29, 2008, as a result of his injuries from the attack.

1054. PFC Miller was a U.S. national when he was attacked and killed.

1055. Plaintiff Kimberly Miller is the mother of PFC Miller and a U.S. national.

1056. Plaintiff Dana Svenson is the sister of PFC Miller and a U.S. national.

1057. As a result of the March 29, 2008 Attack and PFC Miller's injuries and death, each member of the Miller Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1058. As a result of the March 29, 2008 Attack, PFC Miller was injured in his person and/or property. The Plaintiff members of the Miller Family are the survivors and/or heirs of PFC Miller and are entitled to recover for the damages he sustained.

1059. **Private First Class Carl Reiher** served in Iraq as a member of the U.S. Army at as part of the 2-16 Rangers at the time of the March 29, 2008 Attack, which severely wounded PFC Reiher, who suffered from the loss of a hand, resulting in a 100% VA disability rating.

1060. Plaintiff PFC Reiher was a U.S. national when attacked and is so today.

1061. As a result of the March 29, 2008 Attack and his injuries, PFC Reiher has experienced severe physical and emotional pain and suffering. The April 3, 2008 EFP Attack in Iraq (Robinson Family)

VV. The April 3, 2008 EFP Attack in Baghdad, Iraq (Robinson Family)

1062. On April 3, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in Baghdad, Iraq near Sadr City, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 3, 2008 Attack").

1063. The April 3, 2008 Attack was planned and authorized by Hizballah.

1064. The April 3, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants.

1065. **Staff Sergeant Jason Robinson** served in Iraq as a member of the U.S. Army as part of the 2nd Battalion, 30th Infantry Regiment, 4th Brigade, 10th Mountain Division (the "2-

30 Wild Boars") at the time of the attack. The April 3, 2008 Attack severely wounded SSG Robinson, who suffered from shrapnel wounds to the face, neck, and shoulder, two dislocated lumbar discs, and ruptured eardrums, resulting in a 90% VA disability rating.

1066. As a result of the April 3, 2008 Attack and his injuries, SSG Robinson has experienced severe physical and emotional pain and suffering.

1067. Plaintiff SSG Robinson was a U.S. national when attacked and is so today.

1068. Plaintiff Frances Robinson is the wife of SSG Robinson and a U.S. national.

1069. Plaintiff Emily Robinson is the daughter of SSG Robinson and a U.S. national.

1070. Plaintiff Michael Weatherly is the stepson of SSG Robinson and a U.S. national. Mr. Weatherly lived in the same household as SSG Robinson for a substantial period of time and considered SSG Robinson the functional equivalent of a biological father.

1071. Plaintiff William Weatherly is the stepson of SSG Robinson and a U.S. national. Mr. Weatherly lived in the same household as SSG Robinson for a substantial period of time and considered SSG Robinson the functional equivalent of a biological father.

1072. As a result of the April 3, 2008 Attack and SSG Robinson's injuries, the Plaintiff members of the Robinson Family have experienced severe mental anguish as well as emotional pain and suffering.

WW. The April 4, 2008 Indirect Fire Attack in Baghdad, Iraq (Von Letkemann Family)

1073. On April 4, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an indirect fire attack on the Victory Base Complex in the Al-Furāt district of Baghdad, Iraq (the "April 4, 2008 Attack").

1074. The April 4, 2008 Attack was planned and authorized by Hizballah.

1075. The April 4, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who launched the rockets neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1076. **Sergeant First Class Grant Von Letkemann II** served in Iraq as a reservist who was deployed with the 396th Military Police Detachment of the U.S. Army. The April 4, 2008 Attack severely wounded SFC Von Letkemann, who suffered from a concussion, TBI, migraines, and tinnitus, resulting in a 70% VA disability rating.

1077. As a result of the April 4, 2008 Attack and his injuries, SFC Von Letkemann has experienced severe physical and emotional pain and suffering.

1078. Plaintiff SFC Von Letkemann was a U.S. national when attacked and is so today.

1079. Plaintiff Kelly Von Letkemann is the wife of SFC Von Letkemann and a U.S. national.

1080. As a result of the April 4, 2008 Attack and SFC Von Letkemann's injuries, the Plaintiff members of the Von Letkemann Family have experienced severe mental anguish as well as emotional pain and suffering.

XX. The April 7, 2008 Complex EFP Attack in Baghdad, Iraq (Vaughn Family)

1081. On April 7, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving RPGs and EFPs during the Battle of Sadr City in the Fedaliyah neighborhood of the New Baghdad district of Baghdad, Iraq, which detonated one or more EFPs supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 7, 2008 Attack").

1082. The April 7, 2008 Attack was planned and authorized by Hizballah.

1083. The April 7, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFPs and fired the RPGs neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1084. **Sergeant Richard Vaughn** served in Iraq as a member of the U.S. Army as part of the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division at the time of the attack. SGT Vaughn was injured in the April 7, 2008 Attack. SGT Vaughn died on April 7, 2008, as a result of his injuries from the attack.

1085. SGT Vaughn was a U.S. national when he was attacked and killed.

1086. Plaintiff Rachelle Idol is the widow of SGT Vaughn and a U.S. national.

1087. Plaintiff Jennine Vaughn is the mother of SGT Vaughn and a U.S. national.

1088. Plaintiff James Vaughn is the father of SGT Vaughn and a U.S. national.

1089. As a result of the April 7, 2008 Attack and SGT Vaughn's injuries and death, each member of the Vaughn Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1090. As a result of the April 7, 2008 Attack, SGT Vaughn was injured in his person and/or property. The Plaintiff members of the Vaughn Family are the survivors and/or heirs of SGT Vaughn and are entitled to recover for the damages he sustained.

YY. The April 9, 2008 EFP Attack in Baghdad, Iraq (Ault Family)

1091. On April 9, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack during the Battle of Sadr City on the outskirts of Sadr City in the New Baghdad district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 9, 2008 Attack").

1092. The April 9, 2008 Attack was planned and authorized by Hizballah.

1093. The April 9, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1094. **Staff Sergeant Jesse Ault** served in Iraq as a member of the U.S. Army National Guard as part of the 429th Brigade Support Battalion at the time of the attack. SSG Ault was injured in the April 9, 2008 Attack. SSG Ault died on April 9, 2008, as a result of his injuries from the attack.

1095. SSG Ault was a U.S. national when he was attacked and killed.

1096. Plaintiff Virginia Billiter is the mother of SSG Ault and a U.S. national.

1097. Plaintiff Eric Billiter is the stepfather of SSG Ault and a U.S. national. Mr. Billiter lived in the same household as SSG Ault for a substantial period of time and considered SSG Ault the functional equivalent of a biological son.

1098. As a result of the April 9, 2008 Attack and SSG Ault's injuries and death, each member of the Ault Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1099. As a result of the April 9, 2008 Attack, SSG Ault was injured in his person and/or property. The Plaintiff members of the Ault Family are the survivors and/or heirs of SSG Ault and are entitled to recover for the damages he sustained.

ZZ. The April 21, 2008 EFP Attack in Baghdad, Iraq (Bogart Family)

1100. On April 21, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack during the Battle of Sadr City on Route Predators close to FOB Loyalty, in the New Baghdad district of eastern Baghdad, Iraq,

which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 21, 2008 FOB Loyalty Attack").

1101. The April 21, 2008 FOB Loyalty Attack was planned and authorized by Hizballah.

1102. The April 21, 2008 FOB Loyalty Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1103. **Specialist Evan Bogart** served in Iraq as a member of the U.S. Army as part of Headquarters Company, 4th Brigade, 10th Mountain Division at the time of the attack. SPC Bogart was injured in the April 21, 2008 FOB Loyalty Attack suffering from sustained burns and blast injuries to face, shrapnel injury to left shoulder, PTSD, and tinnitus, resulting in a 80% VA disability rating. SPC Bogart died on February 9, 2022 from injuries unrelated to the April 21, 2008 FOB Loyalty Attack.

1104. SPC Bogart was a U.S. national when he was attacked and killed.

1105. Plaintiff Lani Bogart is the mother of SPC Bogart and a U.S. national.

1106. As a result of the April 21, 2008 FOB Loyalty Attack and SPC Bogart's injuries and death, each member of the Bogart Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1107. As a result of the April 21, 2008 FOB Loyalty Attack, SPC Bogart was injured in his person and/or property. The Plaintiff members of the Bogart Family are the survivors and/or heirs of SPC Bogart and are entitled to recover for the damages he sustained.

AAA. The April 21, 2008 EFP Attack in Baghdad, Iraq (Rosa-Valentin Family)

1108. On April 21, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in Sadr City, a suburb of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 21, 2008 EFP Attack").

1109. The April 21, 2008 EFP Attack was planned and authorized by Hizballah.

1110. The April 21, 2008 EFP Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who planted and detonated the EFP neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1111. **Sergeant Luis Rosa-Valentin** served in Iraq as a member of the U.S. Army as part of the 66th Armored Regiment, 3rd Brigade Combat Team, 4th Infantry Division at the time of the attack. The April 21, 2008 EFP Attack severely wounded SGT Rosa-Valentin, who suffered from the loss of both legs and the left arm, blindness in one eye, loss of hearing, fractures to all facial bones, a TBI, and PTSD, resulting in a 100% VA disability rating.

1112. As a result of the April 21, 2008 EFP Attack and his injuries, SGT Rosa-Valentin has experienced severe physical and emotional pain and suffering.

1113. Plaintiff SGT Rosa-Valentin was a U.S. national when attacked and is so today.

1114. Plaintiff Milinda Rosa is the daughter of SGT Rosa-Valentin and a U.S. national.

1115. Plaintiff Luis Rosa-Alberty is the father of SGT Rosa-Valentin and a U.S. national.

1116. Plaintiff Alex Rosa-Valentin is the brother of SGT Rosa-Valentin and a U.S. national.

1117. Plaintiff Iliana Rosa-Valentin is the sister of SGT Rosa-Valentin and a U.S. national.

1118. As a result of the April 21, 2008 EFP Attack and SGT Rosa-Valentin's injuries, the Plaintiff members of the Rosa-Valentin Family have experienced severe mental anguish as well as emotional pain and suffering.

BBB. The April 21, 2008 Indirect Fire Attack in Baghdad, Iraq (Thomsen Family)

1119. On April 21, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an indirect fire attack in the Sadr City, a suburb district of Baghdad Governorate, Iraq (the "April 21, 2008 Indirect Fire Attack").

1120. The April 21, 2008 Sadr City Attack was planned and authorized by Hizballah.

1121. The April 21, 2008 Sadr City Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1122. **Sergeant Mark Thomsen** served in Iraq as a member of the U.S. Army in the 1-2 Stryker Cavalry Regiment at the time of the attack. In the April 21, 2008 Indirect Fire Attack, SGT Thomsen was injured by a Jaysh al-Mahdi-modified 107mm rocket attack, which used an IRAM (Improvised Rocket Assisted Munitions), on JSS Sadr City. The attack wounded SGT Thomsen with a concussion, a TBI, and PTSD. In addition, from approximately March 2008 through April 2008, SGT Thomsen survived multiple attacks by Jaysh al-Mahdi, including EFP, IED, RPG, sniper, and indirect-fire attacks in or near Sadr City, during the Battle of Sadr City. SGT Thomsen sustained several injuries during these attacks, including at least one TBI. Due to his injuries from the Jaysh al-Mahdi attacks, including the April 21, 2008 Indirect Fire Attack, SGT Thomsen received a 100% VA disability rating.

1123. As a result of the attacks, including the April 21, 2008 Indirect Fire Attack, and his injuries, SGT Thomsen has experienced severe physical and emotional pain and suffering.

1124. Plaintiff SGT Thomsen was a U.S. national when attacked and is so today.

1125. Plaintiff Ardell Thomsen is the mother of SGT Thomsen and a U.S. national.

1126. Plaintiff Ralph Thomsen is the father of SGT Thomsen and a U.S. national.

1127. As a result of the April 21, 2008 Indirect Fire Attack and SGT Thomsen's injuries, the Plaintiff members of the Thomsen Family have experienced severe mental anguish as well as emotional pain and suffering.

CCC. The April 27, 2008 RPG Attack in Baghdad, Iraq (Farina Family)

1128. On April 27, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a rocket propelled grenade attack during the Battle of Sadr City in the Sadr City district of Baghdad, Iraq (the "April 27, 2008 Attack").

1129. The April 27, 2008 Sniper Attack was planned and authorized by Hizballah.

1130. The April 27, 2008 Sniper Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1131. **Staff Sergeant Anthony Farina** served in Iraq as a member of the U.S. Army as part of C Company, 3rd Brigade, 4th Infantry Division at the time of the attack. SSG Farina provided security for personnel constructing a wall in Sadr City. The April 27, 2008 Attack severely wounded SSG Farina, who suffered from shrapnel wounds to the neck that knocked him unconscious, resulting in a 100% VA disability rating.

1132. As a result of the April 27, 2008 Attack and his injuries, SSG Farina has experienced severe physical and emotional pain and suffering.

1133. Plaintiff SSG Farina was a U.S. national when attacked and is so today.

1134. Plaintiff Kathleen Pirtle is the mother of SSG Farina and a U.S. national.

1135. As a result of the April 27, 2008 Attack and SSG Farina's injuries, the Plaintiff members of the Farina Family have experienced severe mental anguish as well as emotional pain and suffering.

DDD. The April 29, 2008 EFP Attack in Baghdad, Iraq (Woodard Family)

1136. On April 29, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the New Baghdad district in Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 29, 2008 Attack").

1137. The April 29, 2008 Attack was planned and authorized by Hizballah.

1138. The April 29, 2008 Attack would have violated the laws of war if Jaysh al-Mahdi were subject to them because, *inter alia*, the Jaysh al-Mahdi member(s) who launched the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and because they attacked a medical-evacuation helicopter during a medical evacuation of a wounded soldier.

1139. **Captain David Woodard** served in Iraq as a member of the U.S. Army as part of the 2-30 Wild Boars at the time of the attack. On April 29, 2008 while he was on a patrol at a checkpoint on Route Gold and Route Arrow, approximately 200 meters outside of Sadr City, CPT Woodard's patrol was ambushed, with a dual-array EFP on both sides of the route. He was hit by the first one. The EFP went through the door of his vehicle and into the transmission. The April 29, 2008 Attack severely wounded CPT Woodard. A large piece of shrapnel struck his right leg and blew out four inches of his leg bone. Two large shrapnel fragments entered his left calf, removing approximately 25% of the calf muscle. Another fragment entered near his

Achilles tendon, and the shrapnel was later surgically removed. CPT Woodard's injuries resulted in a 90% VA disability rating.

1140. As a result of the April 29, 2008 Attack and his injuries, CPT Woodard has experienced severe physical and emotional pain and suffering.

1141. Plaintiff CPT Woodard was a U.S. national when attacked and is so today.

1142. Plaintiff D.W., by and through his next friend CPT Woodard, is the minor son of CPT Woodard. He is a U.S. national.

1143. As a result of the April 29, 2008 Attack and CPT Woodard's injuries, the Plaintiff members of the Woodard Family have experienced severe mental anguish as well as emotional pain and suffering.

EEE. The April 30, 2008 EFP Attack in Baghdad, Iraq (Tucker Family)

1144. On April 30, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack during the Battle of Sadr City in the Al Rashid district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "April 30, 2008 Attack").

1145. The April 30, 2008 Attack was planned and authorized by Hizballah.

1146. The April 30, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1147. **Specialist Ronald Tucker** served in Iraq as a member of the U.S. Army as part of the 1st Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 4th Infantry Division at the time of the attack. SPC Tucker was injured in the April 30, 2008 Attack. SPC Tucker died on April 30, 2008, as a result of his injuries from the attack. The April 30, 2008 Attack killed SPC

Tucker while he was in a vehicle traveling back from helping to build a soccer field for Iraqi children.

1148. SPC Tucker was a U.S. national when he was attacked and killed.

1149. Plaintiff Susan Arnold is the mother of SPC Tucker and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of SPC Tucker's estate.

1150. Plaintiff Daisy Tucker is the sister of SPC Tucker and a U.S. national.

1151. Plaintiff Samantha Tucker is the sister of SPC Tucker and a U.S. national.

1152. Plaintiff Brandon Arnold is the stepbrother of SPC Tucker and a U.S. national. Mr. Arnold lived in the same household as SPC Tucker for a substantial period of time and considered SPC Tucker the functional equivalent of a biological brother.

1153. Plaintiff David Arnold is the stepfather of SPC Tucker and a U.S. national. Mr. Arnold lived in the same household as SPC Tucker for a substantial period of time and considered SPC Tucker the functional equivalent of a biological son.

1154. As a result of the April 30, 2008 Attack and SPC Tucker's injuries and death, each member of the Tucker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1155. As a result of the April 30, 2008 Attack, SPC Tucker was injured in his person and/or property. The Plaintiff members of the Tucker Family are the survivors and/or heirs of SPC Tucker and are entitled to recover for the damages he sustained.

FFF. The May 1, 2008 RPG Attack in Baghdad, Iraq (Daggett Family)

1156. On May 1, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a rocket propelled grenade attack during the Battle of Sadr City in the Sadr City district of Baghdad, Iraq (the "May 1, 2008 Attack").

1157. The May 1, 2008 Attack was planned and authorized by Hizballah.

1158. The May 1, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1159. **Sergeant John Daggett** served in Iraq as a member of the U.S. Army as part of the 1st Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division at the time of the attack. The attack occurred while SGT Daggett was providing security for personnel constructing a wall in Sadr City. SGT Daggett was injured in the May 1, 2008 Attack. SGT Daggett underwent surgery at Camp Taji in Baghdad, Iraq. He was transported to Landstuhl, Germany, where he spent several days. SGT Daggett was then to be flown from Germany to a military hospital in the Washington, D.C. area but, due to a mid-flight medical emergency caused by his injuries, SGT Daggett was rerouted to Halifax, Nova Scotia to tend to his injuries. SGT Daggett's family, including his father and mother, traveled to Halifax, where they spent several days beside his hospital bed. SGT Daggett died on May 15, 2008 in Halifax as a result of his injuries from the attack.

1160. SGT Daggett was a U.S. national when he was attacked and killed.

1161. Plaintiff Colleen Czaplicki is the mother of SGT Daggett and a U.S. national.

1162. Plaintiff John Daggett is the father of SGT Daggett and a U.S. national.

1163. Plaintiff Kendall Rasmusson is the sister of SGT Daggett and a U.S. national.

1164. As a result of the May 1, 2008 Attack and SGT Daggett's injuries and death, each member of the Daggett Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1165. As a result of the May 1, 2008 Attack, SGT Daggett was injured in his person and/or property. The Plaintiff members of the Daggett Family are the survivors and/or heirs of SGT Daggett and are entitled to recover for the damages he sustained.

GGG. The June 24, 2008 Complex Bomb Attack in Baghdad, Iraq (Farley and Suveges Families)

1166. On June 24, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, whose members had, on information and belief, received training from Hizballah in Iran, executed a sophisticated bombing attack in a local government office in the Sadr City district of Baghdad, Iraq that targeted Americans and local government officials (the "June 24, 2008 Attack").

1167. The June 24, 2008 Attack was planned and authorized by Hizballah.

1168. The June 24, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the victims killed in the attack were civilians not taking part in hostilities, and because the Jaysh al-Mahdi member(s) who planted and detonated the bomb neither wore uniforms nor otherwise identified themselves as enemy combatants.

1169. **Steven Farley** was in Iraq as a civilian working for the U.S. Department of State as a member of the Provincial Reconstruction Team at the time of the attack. Steven Farley was injured in the June 24, 2008 Attack. Steven Farley died on June 24, 2008, as a result of his injuries from the attack.

1170. Steven Farley was a U.S. national when he was attacked and killed.

1171. Plaintiff Donna Farley is the widow of Steven Farley and a U.S. national.

1172. Plaintiff Cameron Farley is the son of Steven Farley and a U.S. national.

1173. Plaintiff Christopher Farley is the son of Steven Farley and a U.S. national.

1174. Plaintiff Brett Farley is the son of Steven Farley and a U.S. national.

1175. Plaintiff David Farley is the brother of Steven Farley and a U.S. national.

1176. Plaintiff Noel S. Farley is the brother of Steven Farley and a U.S. national.

1177. Plaintiff Vickie McHone is the sister of Steven Farley and a U.S. national. She brings claims in both her personal capacity and her representative capacity on behalf of Barbra Farley's estate and Noel J. Farley's estate. Barbra Farley was the mother of Steven Farley and a U.S. national. Noel J. Farley was the father of Steven Farley and a U.S. National.

1178. As a result of the June 24, 2008 Attack and Steven Farley's injuries and death, each member of the Farley Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1179. As a result of the June 24, 2008 Attack, Steven Farley was injured in his person and/or property. The Plaintiff members of the Farley Family are the survivors and/or heirs of Steven Farley and are entitled to recover for the damages he sustained.

1180. **Nicole Suveges** was a political scientist who worked for BAE Systems in the Human Terrain System (HTS) program in eastern Baghdad, Iraq in 2008. The HTS program was designed to promote cultural understanding between the U.S. military and the Iraqis. Nicole Suveges was injured in the June 24, 2008 Attack. Nicole Suveges died on June 24, 2008, as a result of his injuries from the attack.

1181. Nicole Suveges was a U.S. national when she was attacked and killed.

1182. Plaintiff David Iverson is the widower of Nicole Suveges and a U.S. national.

1183. As a result of the June 24, 2008 Attack and Nicole Suveges's injuries and death, each member of the Suveges Family has experienced severe mental anguish, emotional pain and suffering, and the loss of her society, companionship, and counsel.

1184. As a result of the June 24, 2008 Attack, Nicole Suveges was injured in her person and/or property. The Plaintiff members of the Suveges Family are the survivors and/or heirs of Nicole Suveges and are entitled to recover for the damages she sustained.

HHH. The February 26, 2009 EFP Attack in Baghdad, Iraq (Connelly Family)

1185. On February 26, 2009, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack in the Adhamiyah district in eastern Baghdad, Iraq, an area north of Sadr City, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "February 26, 2009 Attack").

1186. The February 26, 2009 Attack was planned and authorized by Hizballah.

1187. The February 26, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1188. **Corporal Brian Connelly** served in Iraq as a member of the U.S. Army as part of the 40th Engineer Battalion, 2nd Brigade Combat Team, 1st Armored Division at the time of the attack. CPL Connelly was injured in the February 26, 2009 Attack. CPL Connelly died on February 26, 2009, as a result of his injuries from the attack.

1189. CPL Connelly was a U.S. national when he was attacked and killed.

1190. Plaintiff Kara Connelly is the widow of CPL Connelly and a U.S. national.

1191. Plaintiff Jean Dammann is the mother of CPL Connelly and a U.S. national.

1192. Plaintiff Kevin Connelly is the brother of CPL Connelly and a U.S. national.

1193. Plaintiff Mark Dammann is the stepfather of CPL Connelly and a U.S. national. Mr. Dammann lived in the same household as CPL Connelly for a substantial period of time and considered CPL Connelly the functional equivalent of a biological son.

1194. As a result of the February 26, 2009 Attack and CPL Connelly's injuries and death, each member of the Connelly Family has experienced severe mental anguish, emotional pain and suffering, and the loss of his society, companionship, and counsel.

1195. As a result of the February 26, 2009 Attack, CPL Connelly was injured in his person and/or property. The Plaintiff members of the Connelly Family are the survivors and/or heirs of CPL Connelly and are entitled to recover for the damages he sustained.

III. The 2007-2008 Bayji and FOB Hammer Attacks in Bayji, Iraq and Baghdad, Iraq (James Connolly)

1196. **Specialist James Connolly** served in Iraq as a member of the U.S. Army as the lead Combat Medic for the 3rd Platoon, 58th Combat Engineer Company, 11th Armored Cavalry Regiment, and was deployed in Iraq from 2007 through 2009.

1197. While deployed near Bayji, his unit was subject to regular improvised rocket attacks from the east (the "2007-2008 Bayji Attacks"). On information and belief, these rocket attacks were perpetrated by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF. This belief is based upon, among other things, SPC Connolly's personal observations of local indicators consistent with Jaysh al-Mahdi death squads being active in the area, and statements made to SPC Connolly by local Iraqi allies identifying the remains of burned out vehicles (including human remains) as having resulted from Jaysh al-Mahdi death squads active in the area.

1198. In or about the spring of 2008, SPC Connolly's company was transferred to FOB Hammer, which was east of Baghdad. His company was moved to FOB Hammer because Jaysh

al-Mahdi had inflicted severe casualties on the prior company that had been stationed there. His company's mission at FOB Hammer was to fight Jaysh al-Mahdi to prevent Jaysh al-Mahdi from undermining the military's civil-capacity-building objectives and de-railing the U.S. government's broader efforts to strengthen Iraqi democracy.

1199. While at FOB Hammer, SPC Connolly was subjected to repeated attacks by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF. This included SPC Connolly being part of multiple convoys subjected to IEDs planted and detonated by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF. SPC Connolly was also subjected to attacks while he and his unit were resting and refitting at FOB Hammer (the "2008 FOB Hammer Attacks"; 2008 FOB Hammer Attacks, together with the 2007-2008 Bayji Attacks, the "2007-2008 Bayji and FOB Hammer Attacks").

1200. The 2007-2008 Bayji and FOB Hammer Attacks severely wounded SPC Connolly, who suffered from emotional trauma and distress, and was diagnosed with PTSD. Due to his injuries from the 2007-2008 Bayji and FOB Hammer Attacks, SPC Connolly received a 70% disability rating from the VA.

1201. The 2007-2008 Bayji and FOB Hammer Attacks were planned and authorized by Hizballah.

1202. The 2007-2008 Bayji and FOB Hammer Attacks would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1203. Plaintiff SPC Connolly was a U.S. national when attacked and is so today.

1204. As a result of the 2007-2008 Bayji and FOB Hammer Attacks and his injuries, SPC Connolly has experienced severe physical and emotional pain and suffering.

JJJ. The 2007-2008 Complex Attacks in Baghdad, Iraq (Anthony Gerber)

1205. **Sergeant Anthony Gerber** served in Iraq as a member of the U.S. Army 1-2 Stryker Cavalry Regiment. SGT Gerber was the target of numerous Jaysh al-Mahdi attacks during the Battle of Sadr City, and was involved in several counter-offensives against Jaysh al-Mahdi terrorists. He was the target of regular ambushes by Jaysh al-Mahdi that relied on the use of women and children as human shields, as well as RPG and sniper attacks. SGT Gerber was also part of the fight surrounding the construction of the wall on Route Gold; the fighting involving Chris Kyle depicted in the film *American Sniper*; and the fighting to interdict Jaysh al-Mahdi attempts to resupply Sadr City and counter Jaysh al-Mahdi attacks on the flanks of Sadr City.

1206. On March 27, 2008, during the Battle of Sadr City, SGT Gerber survived an EFP attack by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "March 27, 2008 Attack"). During this attack, he witnessed an EFP destroy the vehicle immediately in front of him, killing Corporal Joshua Molina. SGT Gerber was injured by the blast, resulting in a concussion and damaged hearing.

1207. In the course of fighting against Jaysh al-Mahdi terrorists in late 2007 and early 2008, including the March 27, 2008 Attack during the Battle of Sadr City, SGT Gerber suffered multiple concussions, developed PTSD, chronic back pain, and tinnitus. Due to his injuries, SGT Gerber received a 50% disability rating from the VA.

1208. The 2007-2008 Complex Attacks in Baghdad were planned and authorized by Hizballah.

1209. The attacks that injured SGT Gerber would have violated the laws of war if the terrorists were subject to them because, *inter alia*, the Jaysh al-Mahdi member(s) who attacked him neither wore uniforms nor otherwise identified themselves as enemy combatants, they used children as human shields, and many of the attacks indiscriminately risked civilians.

1210. Plaintiff SGT Gerber was a U.S. national at the time of the attacks and remains one today.

1211. As a result of the multiple Jaysh al-Mahdi attacks, SGT Gerber has experienced extreme physical and emotional pain and suffering.

KKK. The 2007-2008 Complex Attacks in Baghdad, Iraq (Charles Gregston)

1212. **Specialist Charles Gregston** served in Iraq as a member of the U.S. Army as part of the 1-2 Stryker Calvary Regiment, and was deployed at least twice to Iraq between 2007 through 2010.

1213. During 2007 and 2008, SPC Gregston was deployed in or near Sadr City for 15 months. For the entire Battle of Sadr City, SPC Gregston was either directly in Sadr City or doing patrols on the outskirts of the area. SPC Gregston's second and final deployment was from November 2009 to December 2010, where he was stationed on the outskirts of Baghdad, Iraq. During both deployments in Iraq, SPC Gregston dealt predominantly with Jaysh al-Mahdi and was subject to multiple Jaysh al-Mahdi attacks.

1214. SPC Gregston was an immediate responder during the September 30, 2007 Attack, where a Jaysh al-Mahdi sniper killed SGT Randell Olguin. Also, SGT Gregston was engaged in fighting during the Battle of Sadr City, including supporting the construction of a

wall in Sadr City to interdict the movement of supplies to Jaysh al-Mahdi members in Sadr City. SPC Gregston was subjected to multiple roadside bomb attacks in Jaysh al-Mahdi strongholds, and was an immediate responder during the March 27, 2008 Attack that severely injured Plaintiff SGT Anthony Gerber and killed Corporal Joshua Molina.

1215. As a result of the attacks by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, including the September 30, 2007 Attack and the March 27, 2008 Attack, SPC Gregston suffered a number of injuries, including PTSD, a TBI, tinnitus, IBS due to PTSD, and hearing loss. Due to his injuries, SPC Gregston received a 100% VA disability rating.

1216. The 2007-2008 Complex Attacks in Baghdad were planned and authorized by Hizballah.

1217. The 2007-2008 Complex Attacks in Baghdad would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1218. Plaintiff SPC Gregston was a U.S. national when attacked and is so today.

1219. As a result of both attacks and his injuries, SPC Gregston has experienced severe physical and emotional pain and suffering.

LLL. The 2008 Complex Attacks in Baghdad, Iraq (Adam Magers)

1220. **Sergeant Adam Magers** served in Iraq as a medic for the 1138th Sapper Company with the Missouri National Guard, 35th Engineer Brigade. His company was temporarily under the operational control of both the 10th Mountain Division, and 2nd Stryker Cavalry Regiment, while running missions in northern Baghdad and Sadr City.

1221. On April 28, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed a complex attack involving rockets during the Battle of Sadr City in the Sadr City district of Baghdad, Iraq (the "April 28, 2008 Attack"). In the April 28, 2008 Attack, SGT Magers was injured when eight Jaysh al-Mahdi-modified 107mm rockets (IRAMs), also known as "lob bombs," hit JSS Sadr City.

1222. The April 28, 2008 Complex Attack was planned and authorized by Hizballah.

1223. The April 28, 2008 Complex Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1224. The April 28, 2008 Attack severely wounded SGT Magers, who suffered from a shoulder injury.

1225. On May 9, 2008, a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, committed an EFP attack on Route Gold in Sadr City district of Baghdad, Iraq, which detonated an EFP supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah (the "May 9, 2008 Attack"). During the May 9, 2008 Attack, SGT Magers was injured by an EFP planted and detonated by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, on Route Gold in Sadr City. Three additional EFPs hit the convoy in the same ambush.

1226. The May 9, 2008 Attack was planned and authorized by Hizballah.

1227. The May 9, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore

uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1228. The May 9, 2008 Attack severely wounded SGT Magers, who suffered from a TBI, and lacerations to his arms, hands, neck, and head, among other injuries. Due to his injuries from the April 28, 2008 Attack and the May 9, 2008 Attack, SGT Magers received a 90% VA disability rating.

1229. Plaintiff SGT Magers was a U.S. national at the time of the attacks and remains one today.

1230. As a result of the April 28, 2008 Attack and the May 9, 2008 Attack, SGT Magers has experienced severe physical and emotional pain and suffering.

MMM. The 2008 EFP Attacks in Baghdad, Iraq (Luis Garza)

1231. **Specialist Luis Garza** served in the U.S. Army in Iraq as part of the 2-30 Wild Boars.

1232. On or about April 29, 2008, during the Battle of Sadr City, SPC Garza was injured in the April 29, 2008 EFP Attack that also injured Plaintiff CPT Woodard, when an EFP planted and detonated near his vehicle severely damaged the vehicle and caused facial injuries to SPC Garza from shrapnel.

1233. On or about May 9, 2008, during the Battle of Sadr City, SPC Garza was injured in the May 9, 2008 Attack that also injured Plaintiff SGT Magers, when an EFP planted and detonated in Sadr City by a joint cell comprised of Hizballah and Jaysh al-Mahdi, with material support from IRGC-QF, supplied by the IRGC for which Jaysh al-Mahdi was trained and directed to attack by Hizballah, caused shrapnel wounds to the face. Due to his injuries from the attacks, SPC Garza suffers from PTSD, had to have part of his kidney removed, and received a 90% disability rating from the VA.

1234. The 2008 EFP Attacks in Baghdad were planned and authorized by Hizballah.

1235. The 2008 EFP Attacks in Baghdad would have violated the laws of war if these terrorists were subject to them because, *inter alia*, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the attack indiscriminately risked civilians.

1236. Plaintiff SPC Garza was a U.S. national at the time of the attacks and remains one today.

1237. As a result of the April 29, 2008 EFP Attack and the May 9, 2008 Attack, SGT Magers has experienced severe physical and emotional pain and suffering.

CLAIMS FOR RELIEF

COUNT ONE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)

[All Plaintiffs vs. All Defendants: Primary Liability, 18 U.S.C. § 2339A Predicate]

1238. Plaintiffs incorporate their factual allegations above.

1239. MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley[414] provided material support to the IRGC, Hizballah,[415] Jaysh al-Mahdi, including Jaysh al-Mahdi Special Group Asaib Ahl al-Haq and Jaysh al-Mahdi Special Group Kataib Hizballah,[416] in violation of 18 U.S.C. § 2339A. They did so negotiating, executing, performing under, and fraudulently concealing MTN's secret Security Cooperation Agreement with the IRGC, and by making payments, or causing payments to be made, to the IRGC, Hizballah, and Jaysh al-Mahdi, that financed such FTOs' and SDGT's terrorist attacks, and by providing management, financial, operational, and strategic communications services to the Hizballah and the Qods Force. Defendants' payments took the form of currency or monetary instruments or financial securities, which qualified as material support under 18 U.S.C. § 2339A(b)(1). MTN Group's, Irancell's, Phuthuma Nhleko's and Irene Charnley's management, financial, operational, and strategic

[414] Phuthuma Nhleko and Irene Charnley at all times served MTN Group and MTN's affiliates and therefore their acts, omissions, and knowledge is imputed to MTN Group. All references to "Phuthuma Nhleko" and "Irene Charnley" in Counts One through Six below are inclusive of MTN Group, unless otherwise specified.

[415] All references to the "IRGC" in Counts One through Six below are inclusive of Hezbollah and the Qods Force, unless otherwise specified. *See supra* Part I.A.2 (explaining that the Hezbollah Division and Qods Force are both parts of the IRGC). When Plaintiffs refer to the IRGC operatives inside of Iraq, Plaintiffs refer exclusively to terrorists from the IRGC's Hezbollah Division and Qods Force, which are the two IRGC components that conduct terrorist operations outside of Iran's borders. *See id.*

[416] All references to the "Jaysh al-Mahdi" in Counts One through Six below are inclusive of Jaysh al-Mahdi Special Group Asaib Ahl al-Haq and Jaysh al-Mahdi Special Group Kataib Hizballah, unless otherwise specified.

communications services for the IRGC's benefit also executed the strategic communications and disinformation campaigns that helped fraudulently conceal the secret Security Cooperation Agreement from MTN Group's shareholders until March 28, 2012), which likewise qualified as material support.

1240. Defendants knew or recklessly disregarded that their material support would be used by the IRGC, Hizballah, and Jaysh al-Mahdi, in the preparation for, or in carrying out, the destruction of U.S. property by fire or explosive, conspiracy to murder in a foreign country, killing and attempted killing of U.S. employees performing official duties, hostage taking, damaging U.S. government property, killing U.S. nationals abroad, use of weapons of mass destruction, commission of acts of terrorism transcending national boundaries, bombing government facilities, financing terrorism, and receiving training from FTOs. Those acts by the IRGC, Hizballah, and Jaysh al-Mahdi, in turn, violated the criminal laws of the United States, or would have violated those laws had they been committed within the jurisdiction of the United States, including 18 U.S.C. §§ 844(f)(2) or (3), 956(a)(1), 1114, 1203, 1361, 2332, 2332a, 2332b, 2332f, 2339C(a)(1)(B), and 2339D, respectively. Defendants also disguised the nature of their support, in further violation of 18 U.S.C. § 2339A.

1241. Defendants' conduct, by providing material support to groups that were committing terrorist acts against Americans, involved violent acts and acts dangerous to human life. Defendants' conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a).[417] Defendants' support for the IRGC, Hizballah, and Jaysh al-Mahdi appears, as an objective

[417] *See*, *e.g.*, *Wultz v. Islamic Republic of Iran*, 755 F. Supp. 2d 1, 48-49 (D.D.C. 2010) (violation of material-support statutes, even without any "subjective intent" to further terrorist objectives, meets statutory definition of "international terrorism" based on such support's "objective 'external appearance' "); *Burnett v. Al Baraka Inv. & Dev. Corp.*, 274 F. Supp. 2d 86, 106-07 (D.D.C. 2003) (similar).

matter, to have been intended (a) to intimidate or coerce the civilian populations of Iran,[418] Iraq, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Iraq, Afghan, and other Coalition governments by intimidation and coercion, and (c) to affect the conduct of the U.S., Iraq, and other Coalition governments by mass destruction, assassination, and kidnapping.

1242. Defendants' provision of material support to the IRGC, Hizballah, and Jaysh al-Mahdi occurred primarily outside the territorial jurisdiction of the United States.

1243. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of Defendants' conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by Defendants' conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

1244. As a result of Defendants' violation of 18 U.S.C. §§ 2333(a) and 2339A, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

COUNT TWO: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)

[All Plaintiffs vs. All Defendants: Primary Liability, 18 U.S.C. § 2339B Predicate]

1245. Plaintiffs incorporate their factual allegations above.

1246. MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley provided material support to Hizballah in violation of 18 U.S.C. § 2339B. MTN Group and Irancell did so by making cash and in-kind payments to Hizballah. MTN Group's and Irancell's payments took the form of currency or monetary instruments or financial securities, which qualified as material support under 18 U.S.C. § 2339A(b)(1). MTN Group, Phuthuma Nhleko, and Irene Charnley

[418] Defendants enabled the IRGC's terrorism against Iran's population.

also did by providing global management consulting, logistics, financial, and communications agent services to Hizballah to provide Hizballah secure cell phones, embargoed American communications and network computing technologies, illicit financial, consulting, and technical services (*e.g.*, remote IT from the United States to keep everything working in a Hizballah data center outside of Beirut), strategic communications and disinformation services, all to undermine U.S. counterterrorism efforts in Iraq, Iran, Lebanon, and Afghanistan pursuant to Defendants' contractual obligation, and/or performance to satisfy MTN's obligation, to the IRGC under the secret Security Cooperation Agreement that Defendants fraudulently concealed until March 28, 2012, all of which also provided Hizballah with a service; assistance derived from scientific, technical or other specialized knowledge; communications equipment; facilities; and personnel (that is, the persons who carried out Hizballah's cell phone acquisition requests, or the persons who transferred management, financial, and operational services and knowledge to Hizballah, and who executed the strategic communications and disinformation campaigns that provided cover and concealment to Hizballah and fraudulently concealed Hizballah's secret Security Cooperation Agreement with MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley[419] until March 28, 2012), all of which likewise qualified as material support. MTN further disguised the nature of its support, in further violation of 18 U.S.C. § 2339B.

1247. The United States has designated Hizballah an FTO under 8 U.S.C. § 1189 since 1997. At all times since that designation, MTN Group, Irancell, Phuthuma Nhleko, and Irene

[419] Irene Charnley knew of the secret Security Cooperation Agreement, helped secure the Agreement, concealed the Agreement, and performed under the Agreement. Through Irene Charnley's performance, she made herself a party to the Agreement all the same as if she had originally signed it alongside Nhleko.

Charnley, knew or recklessly disregarded that Hizballah was a designated FTO and/or that Hizballah had engaged in acts of terrorism against the United States.

1248. MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct, by providing material support to designated FTOs, involved violent acts and acts dangerous to human life. MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a). MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's support for Hizballah appears, as an objective matter, to have been intended (a) to intimidate or coerce the civilian populations of Iraq, Lebanon, Afghanistan, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Iraq, Lebanon, Afghanistan, and other Coalition governments by intimidation and coercion, and (c) to affect the conduct of the U.S., Iraq, Lebanon, Afghanistan, and other Coalition governments by mass destruction, assassination, and kidnapping.

1249. MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's provision of material support to Hizballah occurred primarily outside the territorial jurisdiction of the United States.

1250. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

1251. As a result of MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's violation of 18 U.S.C. §§ 2333(a) and 2339B, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

COUNT THREE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)

[All Plaintiffs vs. All Defendants: Primary Liability, 18 U.S.C. § 2339C Predicate]

1252. Plaintiffs incorporate their factual allegations above.

1253. Defendants, by making payments to the IRGC, Hizballah, and Jaysh al-Mahdi that financed such FTOs' and/or SDGTs' terrorist attacks, unlawfully and willfully provided funds to a terrorist group, in violation of 18 U.S.C. § 2339C(a)(1)(A). Defendants knew or recklessly disregarded that the IRGC, Hizballah, and Jaysh al-Mahdi would use those funds in full or in part to carry out acts constituting an offense within the scope of the International Convention for the Suppression of Terrorist Bombings, as implemented by the United States at 18 U.S.C. § 2332f, including by delivering, placing, discharging, or detonating explosives or other lethal devices in, into, or against places of public use and government facilities, with the intent to cause death or serious bodily injury.

1254. Defendants, by making payments to the IRGC, Hizballah, and Jaysh al-Mahdi that financed Hizballah's and Jaysh al-Mahdi's terrorist attacks unlawfully and willfully provided funds to a terrorist group in violation of 18 U.S.C. § 2339C(a)(1)(B). Defendants knew or recklessly disregarded that the IRGC, Hizballah, and Jaysh al-Mahdi would use those funds in full or in part to carry out acts intended to cause death or serious bodily injury to civilians and/or others not taking an active part in the hostilities in a situation of armed conflict, and that the IRGC's and Jaysh al-Mahdi's purpose was to intimidate the U.S. and Iraqi populations and to compel the U.S. and Iraqi governments to effect a withdrawal of U.S. forces from Iraq.

1255. Defendants' provision of funds to the IRGC, Hizballah, and Jaysh al-Mahdi involved violent acts and acts dangerous to human life. Defendants' conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a). Defendants' support for the IRGC, Hizballah, and Jaysh al-Mahdi appears, as an objective matter, to have been intended (a) to intimidate or coerce

the civilian populations of Iraq, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Iraqi, and other Coalition governments by intimidation and coercion, and (c) to affect the conduct of the U.S., Iraqi, and other Coalition governments by mass destruction, assassination, and kidnapping.

1256. Defendants' provision of funds to the IRGC, Hizballah, and Jaysh al-Mahdi occurred primarily outside the territorial jurisdiction of the United States.

1257. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of Defendants' conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by Defendants' conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

1258. As a result of Defendants' violation of 18 U.S.C. §§ 2333(a) and 2339C, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

COUNT FOUR: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d)

[Plaintiff Members of the Chand and Connelly Families vs. All Defendants: Aiding-And-Abetting Liability, Attack Predicate]

1259. Plaintiffs incorporate their factual allegations above.

1260. To establish a claim for aiding and abetting under JASTA, 18 U.S.C. § 2333(d), Plaintiffs must show: (1) that they are U.S. nationals, or the estates, survivors, or heirs of U.S. nationals; (2) that they were injured by an act of "international terrorism," as defined by 18 U.S.C. § 2331(1); (3) that the act of international terrorism was committed, planned, or authorized by a designated FTO; (4) that MTN was generally aware that it was playing a role in an overall illegal or tortious activity from which the act of international terrorism was a foreseeable consequence; and (5) that MTN knowingly provided substantial assistance.

1261. Every Plaintiff is a U.S. national, or the estate, survivor, or heir of a U.S. national.

1262. The terrorist attacks that injured Plaintiffs were acts of "international terrorism" because:

a. the attacks involved violent and dangerous acts that violated the criminal laws of the United States and many States (or would if committed in the United States). In particular, each attack constituted one or more of murder, attempted murder, conspiracy to murder, kidnapping, and arson, in violation of state law; and the destruction of U.S. property by fire or explosive, conspiracy to murder in a foreign country, killing and attempted killing of U.S. employees performing official duties, hostage taking, damaging U.S. government property, killing U.S. nationals abroad, use of weapons of mass destruction, commission of acts of terrorism transcending national boundaries, and bombing places of public use, in violation of 18 U.S.C. §§ 844(f)(2) or (3), 956(a)(1), 1114, 1203, 1361, 2332, 2332a, 2332b, and 2332f, respectively;

b. the attacks, carried out by terrorists bent on expelling the United States and its allies from Iraq and the Middle East, appear to have been intended (i) to intimidate or coerce the civilian populations Iraq, Israel, the United States, and other nations, (ii) to influence the policy of the U.S., Israeli, Iraqi, and other governments by intimidation and coercion, and (iii) to affect the conduct of the U.S., Israeli, Iraqi, and other governments by mass destruction, assassination, and kidnapping; and

c. the attacks occurred primarily outside the territorial jurisdiction of the United States.

1263. Each attack was committed, planned, or authorized by one or more FTOs. Every attack was committed by one or more of the IRGC, Hizballah and Jaysh al-Mahdi, including its Special Groups Asaib Ahl al-Haq and Kataib Hizballah.

1264. Every attack, regardless of who committed it, was planned or authorized Hizballah, an FTO since 1997.

1265. MTN was generally aware that it was playing a role in illegal activity, and that the terrorist attacks that injured Plaintiffs were a natural and foreseeable consequence of that activity.

1266. MTN provided assistance knowingly and culpably, and not innocently or inadvertently. MTN did so with knowledge that they were aiding terrorist organizations carrying out attacks on Americans.

1267. MTN's assistance was substantial.

1268. MTN's assistance was pervasive and systemic. The assistance involved years of willful misconduct and tremendous sums of money that provided critically important assistance to the foreign terrorist organizations that killed or injured Plaintiffs and their family members.

1269. As a result of MTN's liability under 18 U.S.C. § 2333(d), Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

COUNT FIVE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d)

[Plaintiff Members of the Chand and Connelly Families vs. All Defendants: Conspiracy Liability, Attack Predicate]

1270. Plaintiffs incorporate their factual allegations above.

1271. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley entered into the Conspiracy with the "Iranian Shareholders," and one another, including but not limited to the Foundation for the Oppressed a/k/a Bonyad Mostazafan, Iran Electronics Industries a/k/a Sairan, Iran Electronics Development Company, the Supreme National Security Council, and the Ministry of Defense and Armed Forces Logistics, all of whom were fronts for the IRGC

(collectively, "IRGC Fronts"), as well as the IRGC's terrorist co-conspirators in Iraq, to join the IRGC's terrorist financing and logistics campaign.

1272. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley furthered the Conspiracy through their knowing direct and/or indirect participation in the IRGC's broad, coordinated, global campaign to source embargoed American technologies to aid the Conspiracy's terrorist enterprise, including but not limited to, secure American mobile phones and computer network technologies.

1273. Given the illegal nature of the market for embargoed American technologies, each Defendant's choice to further the Conspiracy by paying inflated prices above even the normal "going rate" for black market phones furthered the terrorist enterprise by substantially growing the black market for such technologies through the power of supply and demand. Every time each Defendant flooded the zone by promising to outspend every other black market participant, Defendants swelled the ranks of their co-conspirator tech resellers on the supply side in the U.S.

1274. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley specifically intended to grow the overall global market for illicit American-manufactured mobile phones that were originally sold in a U.S. marketplace because they shared the goal of the Conspiracy, which was to finance, arm, and logistically support Hizballah, the Qods Force, and Regular IRGC.

1275. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley was one in spirit with the terrorists, including, but not limited to, Hizballah, the Qods Force, and Regular IRGC, as well as IRGC Syndicate Terrorist Proxy Jaysh al-Mahdi, including its Special Groups Asaib Ahl al-Haq and Kataib Hizballah, all of whom received weapons, funding, and training from the IRGC.

1276. Each Defendant hoped for the IRGC to achieve the object of the Conspiracy and force the United States to withdraw from Iraq and the rest of the Middle East. Defendants knew that Hizballah, the Qods Force, and Regular IRGC were extremely lucrative customers and generated billions of dollars in profits for each Defendant, and Defendants wanted to see the Conspiracy succeed because they calculated they would make more money if the terrorist campaigns in Iraq and the rest of the Middle East forced the U.S. out.

1277. Each Defendant furthered the Conspiracy by directly aiding the growth of the terrorists' supply chain through the foreseeable, inevitable, and obvious result that Defendants knew—and intended—would occur when they paid above-black market prices for illicit American technologies. Defendants knew that their deals would strengthen the terrorists' illicit technological supply chain by exploding the demand for suppliers, and specifically intended for this consequence to occur to benefit Hizballah, the Qods Force, and Regular IRGC. As a result, each Defendant furthered the Conspiracy by increasing the total volume of illicit American mobile phones and computer network technologies specifically available for, and intended to be purchased by, the agents, operatives, cut-outs, or corporate fronts acting on behalf of Hizballah, and the Qods Force, all of whom received substantially more illicit technologies than would otherwise have been the case if Defendants had not participated in the black market.

1278. Each Defendant furthered the Conspiracy by publicly denying the existence of their secret deal to aid the "security" agenda of Irancell's and TCI's Iranian Shareholders, *i.e.*, Hizballah, the Qods Force, and Regular IRGC.

1279. Each Defendant agreed to further this Conspiracy by assisting the IRGC Fronts to move large sums of money (primarily in U.S. dollars) through the international financial system (and particularly the United States) undetected.

1280. Each Defendant agreed to further this Conspiracy by each assisting the IRGC Fronts to move tens of thousands of critical items of embargoed American technologies specifically identified by Hizballah and the Qods Force as necessary to the success of the Conspiracy, through the covert purchase of American-made technologies in U.S. markets, in transactions that were denominated in U.S. Dollars, in sums of money (primarily in U.S. dollars) through the international financial system (and particularly the U.S.) undetected.

1281. Hizballah, the Qods Force, and Regular IRGC conspired with IRGC Syndicate Terrorist Proxies in Iraq (Jaysh al-Mahdi, including its Special Groups Asaib Ahl al-Haq and Kataib Hizballah) to facilitate terrorist attacks targeting Americans in Iraq, among other places, for the purpose of targeting U.S. citizens and institutions and affecting the policies of the U.S. government.

1282. Each Defendant knew that the objective of the IRGC Conspiracy between these sophisticated terrorist organizations and the other Defendants was to facilitate terrorist attacks against Americans in Afghanistan, Iraq, Syria, Yemen, Israel, and Europe. This includes the attacks at issue in this case that were planned, authorized, or executed by designated FTOs and that killed or injured the Plaintiffs and their family members.

1283. These attacks were a foreseeable act in furtherance of this IRGC Conspiracy that caused Plaintiffs' injuries.

1284. The attacks that killed or injured Plaintiffs and their family members were all jointly committed, as well as planned and authorized, by Hizballah, which the United States has designated as an FTO under 8 U.S.C. § 1189 since 1997.

1285. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of the terrorist attacks committed by Hizballah and Jaysh al-Mahdi,

including its Special Groups Asaib Ahl al-Haq and Kataib Hizballah. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by the attacks; are survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

1286. As a result of Defendants' liability under 18 U.S.C. § 2333(d), Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

JURY DEMAND

1287. In accordance with Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Plaintiffs request that the Court:

1288. Enter judgment against Defendants finding them jointly and severally liable under the Anti-Terrorism Act, 18 U.S.C. § 2333;

1289. Award Plaintiffs compensatory and punitive damages to the maximum extent permitted by law, and treble any compensatory damages awarded under the Anti-Terrorism Act pursuant to 18 U.S.C. § 2333(a);

1290. Award Plaintiffs their attorney's fees and costs incurred in this action, pursuant to 18 U.S.C. § 2333(a);

1291. Award Plaintiffs prejudgment interest; and

1292. Award Plaintiffs any such further relief the Court deems just and proper.

Respectfully submitted,

Dated: August 6, 2025

/s/ *Geoffrey P. Eaton*

Ryan R. Sparacino (D.C. Bar No. 493700)
Geoffrey P. Eaton (D.C. Bar No. 473927)
Eli J. Kay-Oliphant (D.C. Bar No. 503235)
Adam J. Goldstein (*pro hac vice*)
Shuman Sohrn (D.C. Bar No. 90010140)
SPARACINO PLLC
1920 L Street, NW, Suite 835
Washington, D.C. 20036
Tel: (202) 629-3530
ryan.sparacino@sparacinopllc.com
geoff.eaton@sparacinopllc.com
eli.kay-oliphant@sparacinopllc.com
adam.goldstein@sparacinopllc.com
shuman.sohrn@sparacinopllc.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2025, I caused a copy of the foregoing Amended Complaint to be filed on the Court's CM/ECF system and thereby served all counsel of record.

/s/ *Geoffrey P. Eaton*
Geoffrey P. Eaton