



OPENING REPORT
FOR THE
KENYAN SENATE *AD HOC* COMMITTEE ON
THE COMPENSATION TO THE KENYAN
VICTIMS OF THE 1998 BOMBING OF THE
UNITED STATES OF AMERICA EMBASSY IN
NAIROBI

Presented by Philip M. Musolino and Musolino & Dessel, PLLC

MUSOLINO & DESSEL, PLLC REPORT ON AUGUST 7, 1998, U.S. EMBASSY BOMBING IN NAIROBI KENYA
1615 L Street, N.W., Suite 440, Washington, D.C. 20036

STATEMENT AND DISCLOSURE REGARDING REPORT:

This Opening Report for the Kenyan Senate *Ad Hoc* Committee on the Compensation to the Kenyan Victims of the 1998 Bombing of the United States of America Embassy in Nairobi (the “Report”) was prepared at the request of Senator Agnes Kavindu by the Washington, D.C. law firm of Musolino & Dessel, PLLC. The Report is linked to a database (the “Database”). Both the Report and the Database are for the use of and accesible by the members of the *Ad Hoc* Committee on the Compensation to the Kenyan Victims of the 1998 Bombing of the United States of America Embassy in Nairobi (the “Committee”) and their staff. Musolino & Dessel, PLLC is solely responsible for the content of the Report and the content of the Database.

This material is distributed by Philip M. Musolino and Musolino & Dessel, PLLC on behalf of the Designated Victims of the 1998 Embassy Bombings. Additional information is available at the U.S. Department of Justice (FARA).

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PART ONE: REPRESENTATIVES AND TEAM MEMBERS

A. Musolino and Dessel, PLLC:

Musolino & Dessel, PLLC (the “Firm”), the leader of the international team seeking U.S. legislative compensation for the victims of the terrorist attack on the U.S. Embassy in Nairobi in 1998, and the author of this Report, is a Washington, D.C. law firm formed in 1993.

In the international arena, the Firm has represented clients on matters in or involving the following nations:

- Kenya
- Uganda
- Tanzania
- South Africa
- Namibia
- Cameroon
- Sudan
- Iraq
- Egypt
- UAE
- Saudi Arabia
- Great Britain
- France
- Switzerland
- Bulgaria
- Serbia
- Spain
- Greece
- Germany
- Haiti
- Netherlands

The Firm has represented clients in a wide variety of human rights and commercial transactions and has also represented clients in international arbitrations in Switzerland, Paris, and New York, and has litigated and arbitrated claims under various commercial statutes and standards, as well as, among others, the following statutes:

- The Alien Tort Statute

- The American Arbitration Act
- The Federal Tort Claims Act
- The Foreign Sovereign Immunities Act
- The International Convention on Civil and Political Rights
- The International Organizations Immunities Act

The Firm first became involved in the 1998 embassy bombing at the request of a client with numerous commercial interests in East Africa. The Firm's founding member, **Philip M. Musolino**, has been responsible for all matters relating to the bombing since 1998. Mr. Musolino practices extensively in three areas: complex civil litigation in the United States, principally in the District of Columbia; international law, with a focus on Africa, Eastern Europe, and Western Europe; and domestic and international transactional work.

The Firm represents hundreds of victims of the embassy bombing, that representation has involved extensive work in two areas: Litigation in U.S. Federal Courts; and (2) Legislation in both the United States and Kenya. In May 2022, the Firm secured judgments totaling \$56.6 billion against Al Qaeda for 351 Kenyan victims, and secured landmark rulings which may be used by other victims. Since securing those judgments, the Firm has had hundreds of contacts with U.S. government officials and media in support of proposed U.S. legislation drafted by the Firm in support of the Kenyan victims. Many of the details of that work can be found in the Database at **Appendix A** ("Litigation") and at **Appendix B** ("Legislation").

The Firm has been working with the following professionals and/or organizations: **Joseph Szlavik** of **Scribe Strategies & Advisors, Inc.**; **Caroline Muthoka** of both **the Baraka Care Foundation, LLC**, and **the Consortium of 7th August 1998 Victims** (the "Consortium"); **Ramona Tascoe, MD, MHSA, MDiv**; **Melvin Foote** of the **Constituency for Africa**; and **Daniel Ngiro**.

B. The Team Working With Musolino & Dessel PLLC:

Joseph Szlavik has a diverse background in policy analysis and government affairs. He worked at the White House during the first Bush Administration, fulfilling roles as a policy analyst in the Office of Policy Development and as a liaison with the Office of Cabinet Affairs and the Office of Legislative Affairs. In 1992, he established Scribe Strategies & Advisors, Inc., a consultancy dedicated to helping both domestic and international clients achieve their legislative, regulatory, communications, business development, and technology goals. With expertise in navigating political landscapes and economic conditions, Mr. Szlavik and his team excel at lobbying, forging alliances with business groups, and devising comprehensive media and communications strategies that incorporate cutting-edge internet technology.

Caroline Muthoka is a world-renowned and award-winning gospel singer, activist, and survivor of the 1998 embassy bombing. Ms. Muthoka's song, Poleni, was written in memoriam of the August 7, 1998, attack. She has dedicated her life to promoting peace, love, and unity. Ms. Muthoka's organization – Baraka Care Foundation, LLC – works to provide “...services and training for disaster emergency preparedness...and address the suffering of the silent victims of such calamities.”

Ms. Muthoka has been a leader for decades in the efforts in the United States and Kenya to achieve compensation and aid for the victims of the bombing and for their families. She is the force behind the Consortium.

Dr. Ramona Tascoe is an accomplished African American physician, ordained minister, and dedicated humanitarian with a longstanding commitment to assisting victims. Since 1998, she has been actively involved in various initiatives. In 1979, she earned a medical degree and Master of Public Administration from UC San Francisco, along with a Master of Divinity from Berkeley's

Graduate Theological Union. She was subsequently ordained under the American Baptist and Progressive National Baptist Ministry. With a focus on internal medicine, Dr. Tascoe has served as a specialist in Oakland for many years. She has also led numerous medical missions to countries including Kenya, Tanzania, the Democratic Republic of Congo, Angola, India, and Sri Lanka and has worked for the victims since 1998, individually and with Chester House Bomb Blast Recovery and the California law firm of Burriss Nisenbaum Curry & Lacy.

Melvin Foote is a pioneering expert in African Affairs, with over 35 years of experience and work in over 30 African countries. Mr. Foote served as a U.S. Peace Corps Volunteer, teacher, and held significant positions with Africare. He founded the Constituency for Africa (“CFA”) in 1990, establishing a global network committed to advancing Africa's progress and empowerment. His extensive involvement in high-level missions to Africa, numerous awards, and recognition testify to his outstanding commitment and achievements in addressing African concerns.

Daniel Ngure is the lead consultant at Ngure Consulting, an international business, cultural competency, and event management company based in Atlanta, GA. He studied Economics and Marketing and has worked as a consultant both in the U.S.A. and abroad. He assists organizations and individuals in developing cultural competency and creating inclusive environments suitable both for the organization and clients globally. Mr. Ngure has contributed critical guidance and advice on matters related to Kenyan government, politics, history, and culture.

The victims of the bombing are informally represented by Ms. Muthoka and the following six women:

Catherine Bwire, on behalf of the Blinded Victims Group, is a mother of one, Jean Bahati. She was pregnant with her when the bomb blast occurred in 1998. She permanently lost her vision as a result of that terrorism. She has been struggling to bring up her daughter as a single mother. Life has never been the same again for her and her child. Her husband abandoned her after the bombing and left her for dead. She struggles to go to work, needing someone to guide her as she walks through the Nairobi City streets going to work. “I still cannot see my future, except I am seeing it will be difficult, but it will be possible.”

Lilian Mutua, on behalf of the Pregnant Victims is a survivor of the 1998 bomb blast. Lilian was 8 months pregnant and working at the Teachers Service Commission on the 12th floor when the blast occurred, causing both internal and external injuries. Since then, Lilian has undergone numerous surgeries and faced many challenges, including the premature birth of her children and the loss of her job.

Grace Nyawira Njoroge, on behalf of the Orphans Victims Group, is a survivor of the 1998 terrorist bomb attack. The loss of her father in the attack, who was the sole breadwinner of the family, and the subsequent death of her stepmother from illness and COVID-19, drastically altered her family's life trajectory and forced her to put aside her education to work and support her family.

Safula Abdi Mwilu, on behalf of the Widows Victims Group, is a retired professional Community Worker and a widow of the 1998 Nairobi bombing, where she lost her husband and was left to care for their three children. Despite her own struggles, she remains committed to giving back to her community by volunteering in various community works and distributing food and clothing to those in need.

Leonore Atieno, on behalf of the Teachers Victims Group, is a survivor of the 1998 bomb blast, where she sustained multiple injuries to her face, shoulder, right hand, and legs. She lives with chronic pain and requires expensive medication.

Lilian Ngeno, on behalf of the Tana and Arthi Rivers Development Authority Survivor's Coordinator was working on the 19th floor of the adjoining building when the US Embassy was attacked. This traumatic event not only affected her physically, but also emotionally, psychologically, and financially, leaving lasting scars on her life and relationships. She has learned to focus on the present and to strive for a positive future. Her hope is that her “story can inspire others to persevere in the face of adversity and to appreciate the precious gift of life.”

PART TWO: SUMMARY

1. On August 7, 1998, hundreds of Kenyans died, and thousands suffered physical and psychological injuries when the United States Embassy in Nairobi was attacked by Al Qaeda. As the U.S. acknowledged that day, with this Embassy “we gambled and lost.”
2. The lawyers at the Washington, D.C. law firm of Musolino & Dessel, PLLC secured in May 2022 judgments in the aggregate amount of \$56.6 billion against Al Qaeda on behalf of 351 Kenyan Plaintiffs. That judgment was finalized in May 2022.
3. During decades of litigation up to the US Supreme Court, the Firm secured landmark rulings including the following: (a) the attack was directed at the United States and its Embassy and citizens, not at Kenya or its citizens; (b) Form 95’s, which were filed with the U.S. State Department by thousands of Kenyan victims within one year of the bombing, could be used as evidence by U.S. Federal Courts of injuries sustained by the victims; (c) the emotional and psychological damages, including fear and PTSD, were sustained by all victims; (d) a bellwether hearing in which representative victims and experts testified would be applicable to non-testifying plaintiffs; and (e) compensatory damages for each such victim could fairly be calculated at five million dollars (\$5,000,000.00), in addition to punitive damages of one hundred fifty million dollars (\$150,000,000.00).
4. Other Kenyans have similar claims filed over 20 years ago with, but unaddressed by, the U.S. Department of State. Now, only one month before our Ambassador to Kenya will attend the 25th Commemoration of the attack, America’s Kenyan friends, and allies – those who hold judgments and those who don’t – and their families remain uncompensated for their losses.
5. There is a Victim Compensation Fund (the “Fund”) set up by U.S. Congress which has so far distributed \$3 billion to certain victims of terrorist attacks against the U.S. But, because of the way the statute is worded, the Kenyan victims are not eligible to participate in the Fund.
6. Musolino & Dessel, PLLC as FARA Registrant for the Designated Victims of the 1998 Embassy Bombings, with Joseph Szlavik of Scribe Strategies & Advisors, Inc.; Melvin Foote of the Constituency for Africa; and Daniel Ngure, and FARA Registrant Dr. Ramona Tascoe, are lobbying Congress to pass budget-neutral legislation which, among other provisions, changes the wording of the eligibility requirements so that the victims would be included in future distributions. The U.S. team members, including survivor Caroline Muthoka, have engaged in hundreds of contacts with various officials and media in the U.S. in support of the legislation.
7. Musolino & Dessel, PLLC drafted the language of the proposed U.S. legislation, so that it includes a pathway to compensation for all victims, not just the Firm’s judgment holders.
8. President Ruto generally announced his support for the effort during the lead-up to the 2022 Kenyan Presidential Election.

9. By the time of the 25th Commemoration, the U.S. commitment to the victims should be regarded as unfinished business in support of what the U.S. characterizes as its new Africa Policy.
10. From the U.S. foreign policy position, approving the legislation will serve as a concrete example of U.S. support for its friends and allies in Kenya and in East Africa. We strongly believe that this measure will enhance throughout East Africa the U.S. reputation for fairness and trustworthiness. At a time when other nations vigorously challenge our relationships with our friends and allies in Africa, Congress should take this opportunity to affirm our commitment to that critical region and its people.
11. The Kenyan media has been very supportive of the legislation. The Kenyan Diaspora in the U.S. is expected to play an important role in support of the proposed legislation.
12. On February 23, 2023, the Law Firm wrote to the U.S. Office of the First Lady and, noting news reports of the First Lady's upcoming visit to Kenya, asked that the First Lady visit the Peace Memorial in Nairobi. On February 25, 2023, First Lady Dr. Jill Biden paid a solemn visit to the Peace Memorial.
13. On March 30, 2023, Vice President Harris visited the Memorial in Dar Es Salaam, Tanzania.
14. On April 24, 2023, U.S. Secretary of State Blinken issued a statement outlining the importance of Kenya to U.S. foreign policy in Africa.
15. On June 29, 2023, the Kenyan Senate passed by unanimous vote a bill proposing the creation of an ad hoc committee of nine Senators to
 - (i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and cooperation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;
 - (ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government, and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,
 - (iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

PART THREE: THE 1998 ATTACK AND ITS HORRENDOUS IMPACT ON KENYANS

According to the State Department's 1999 Report of the bombing, the Embassy bombing took place as follows:

At approximately 10:30 AM on Friday, August 7, 1998, two vehicle bombs detonated nearly simultaneously at United States embassies in Dar Es Salaam, Tanzania and Nairobi, Kenya.



All photos in this section courtesy of Partners New York Times

The United States Embassy in Nairobi, Kenya was located on a half-acre site in downtown Nairobi at the busy intersection of two main thoroughfares, Moi, and Haille Selassie Avenues. Behind the embassy was the four-story Ufundi Cooperative House, with numerous offices and a secretarial school, and the 23-story high-rise Cooperative Bank building....

At the rear of the embassy was a parking lot shared with the adjacent Cooperative Bank....



[After entering the parking area], one of the terrorists began shooting at the chancery and the other tossed a flash grenade at the guard.... Approximately 10 seconds after the grenade exploded, the bomb in the vehicle detonated.... The explosion killed 213 people,

including 44 embassy employees.... Many of these fatalities were due to occupants going to the windows after the grenade exploded to see what was happening outside.

Other casualties were pedestrians and motorists in the crowded streets next to the embassy. Vehicles caught fire.... 20 persons were blinded, and 50 have severely limited sight from

lacerations incurred from flying shards of glass; the actual count of eye injuries is in the hundreds, but the severity of many will not become apparent for some time. The shock of the explosion broke glass in buildings and vehicles within at least a quarter-mile radius. The collapse of the Ufundi building confirms the extreme hazard posed by building collapse. The majority of the fatalities were persons trapped and crushed under the weight of the building after falling several stories....

Given the types of injuries most prevalent in these incidents, non-penetrating fragment



impact is probably the most appropriate injury model for severe injuries. A radius of 200 feet indicates that all people within a one-half block radius (not protected by buffering walls) were vulnerable to injury from flying debris.... For glass injuries, the radius is 1000 feet. Reports indicate that injuries due

to glass fragments extended somewhat further out than this model predicts.

That report, as further investigation revealed over the years, overlooked many of the facts and factors which led to the attack, and understated in great degree the loss, suffering and injury sustained by Kenyans and Americans.

On the day of the attack, the U.S. State Department acknowledged its “failure,” and grappled with the recognition that, with the Nairobi Embassy, the U.S. had “gambled and lost.” Again and again since the attack, U.S. and Kenyan officials express surprise that the tragic plight of the victims and their families has not been addressed. But, with very few exceptions, it has not.

In his findings, Magistrate Judge Facciola described the bombing as “...one of the most grotesque and depraved acts imaginable.” The Court accepted Plaintiffs’ expert testimony that “...each victim of the Embassy bombing suffered long-term or permanent psychological injury from the scenes



that they observed during the bombing and in its aftermath [and] the victims of the bombing suffered the effects of post-traumatic stress disorder [and] each victim of the Embassy bombing sustained material, significant emotional, psychological and financial injury, whether he suffered a physical injury or not.”

Of the horrors inflicted on the families who lost spouses, parents and children, there is little



to choose between the gruesome searches of the wreckage, and then the overwhelmed hospitals, and finally the gruesome morgues, and the familial, emotional, and financial destruction of families who had been enjoying lives free from of international terror.

The largest group of victims were members of Kenya’s Teachers Service Commission. Over 300 teachers and school administrators were attending a conference on the upper floors of the building adjoining the embassy and lost their lives or suffered serious injuries from the terrorist attack. In addition to the educators, over one hundred Kenyans were orphaned, many Kenyan

women were widowed, suffered miscarriages or other birth complications, and hundreds more Kenyans were blinded or suffered serious vision loss.

One young widow explained to the U.S. Court how the loss of her husband led to the loss of her home, her children's schooling, her career, and her ability to provide for them. She told the Court that "[i]n the morning of the Embassy bombing, their lives were "very happy. Nothing



seemed like would go wrong..." She was pregnant with their second child on the day that her husband died. A young widower told the Court that this wife could only be recognized in the morgue by a fabric from the new dress he had just bought her. He testified:

We arrived there and entered the cold rooms where the bodies are kept. And it was a scene you would not want to ever see again. It was a scene, it's something that even today makes one shiver with fear. Those bodies were aligned in rows. Others were heaped. And even in (em)bracing with your next of kin, it was (a) very, very, very hard task. So I went from one side to the other looking for her. And on the way, there were hundreds and hundreds of bodies badly mutilated. Badly, badly, badly mutilated. Some had no limbs, some had no heads, some had their stomachs opened. Some had, some were crushed to something very tiny.... And at the end, I saw where she was....

Burdened by his inexplicable ordeal, he lost his work, and eventually, his family. Thousands of Kenyans have for decades endured similar fates, worsened by the sense that they were forgotten among the great international issues that come and go.

American courts provided some awareness in 2022. Now, one month before the 25th Commemoration of the attack, the Kenyan Senate offers hope to the victims and their families that their decades-long burden will finally be lifted.

PART FOUR: THE FEDERAL LITIGATION IN WASHINGTON

Commencing in 1998, the Firm – having sought and received the approval of the Law Society of Kenya – and other American law firms assisted Kenyan victims with the filing at the U.S. Department of State (“DOS”) of administrative claims with the United States. Those written claims were made through the use of a U.S. government “Form 95.” Thousands of such forms were timely filed and have never been disposed of by DOS or by the United States Government. The administrative claims – and thus the Form 95’s – are procedural requirements for the bringing of claims against the United States under the Federal Tort Claims Act.

In 1999, the Firm filed on behalf of hundreds of individually-named Kenyans, in the United States District Court for the District of Columbia (the “District Court”), the first of several lawsuits against the United States, Osama bin Laden, Al Qaeda, Afghanistan, and Sudan. The Firm was given access by DOS to thousands of pages of its internal documents, but over years of litigation, the only claims that survived defenses of sovereign immunity were the claims against Al Qaeda and bin Laden. Those claims were initially dismissed because the district court concluded that it lacked jurisdiction over either foreign defendant.

On appeal, however, in 2005, the United States Court of Appeals for the District of Columbia Circuit reversed that ruling, finding, and concluding that, because the attack was directed at the United States, the district court had jurisdiction over the two remaining defendants.

As the Court of Appeals wrote:

Those defendants engaged in unabashedly malignant actions directed at and felt in this country. Bin Laden and al Qaeda should therefore reasonably anticipate being haled into court here by those injured as a result of those actions, regardless of the plaintiffs’ nationality. (internal citations, quotation marks, and brackets omitted)

The case was thus remanded to the district court so that proceedings against Al Qaeda and Osama bin Laden could continue.

Over the succeeding years, the District Court addressed complex issues related to choice of law, service of process, personal jurisdiction, default, jury demands, and proof of damages. The District Court granted the Firm's request for a bellwether hearing – that is, a hearing with representative samples of groups of victims, accompanied by expert testimony.

In 2011, the District Court presided over an evidentiary hearing in which eight victims, and expert witnesses, testified. In 2014, Magistrate Judge Facciola issued his Findings of Fact and Conclusions of Law, and entered judgments in favor of many, but not all, of the hundreds of plaintiffs named in the lawsuit.

As noted on the preceding section, the District Court determined that each eligible personal injury plaintiff suffered long-term and likely permanent, emotional, and psychological injuries, and the Court calculated the approximate monetary value of those injuries individually at five million dollars (\$5,000,000.00). The Court also awarded punitive damages of one hundred fifty million dollars (\$150,000,000.00) per victim.

Thus, during decades of litigation up to the U.S. Supreme Court, the Firm secured landmark rulings including the following: (a) the attack was directed at the United States and its Embassy and citizens, not at Kenya or its citizens; (b) Form 95's, which were filed with the DOS by thousands of Kenyan victims within one year of the bombing, could be used as evidence by U.S. Federal Courts of injuries sustained by the victims; (c) the emotional and psychological damages, including fear and PTSD, were sustained by all victims; (d) a bellwether hearing in which representative victims and experts testified would be applicable to non-testifying plaintiffs; and (e) compensatory damages for each such victim could fairly be calculated at five million dollars (\$5,000,000.00), in addition to punitive damages of one hundred fifty million dollars (\$150,000,000.00).

In 2022, a new Magistrate Judge, after a scrupulous review of the long record, the Form 95's and accompanying evidence, and prior rulings, approved final judgments for 351 Kenyans against Al Qaeda in the total amount of fifty-six billion, six hundred thirty-seven million, seven hundred twenty-nine thousand, seven hundred dollars (\$56,637,729,700.00).

Though the ability to directly collect funds from those judgments, is extremely limited, the judgments and the rulings which led to the judgments are the fountainhead for legislative efforts in the United States brought for all victims. As the following section sets out, those judgments and the U.S. legislative efforts are the reason for and the noble goal of the creation of the *Ad Hoc* Committee.

PART FIVE: THE PROPOSED U.S. LEGISLATION

Following receipt of the final judgments, the Firm registered with the Office of the United States Department of Justice under the Foreign Agents Registration Act (“FARA”) as lobbyists for Kenyan victims of the 1998 bombing. The Firm disclosed that it would be working with Mr. Szlavik of Scribe Strategies & Advisors, Inc., and Mr. Foote of CFA. The Firm later added Mr. Nguere. Dr, Tascoe registered separately.

We are proposing to Congress simple budget-neutral amendments through the Victims of Terrorism Rights Act. Its principal purpose is to make the Kenyan victims of the 1998 attack eligible to participate in the U.S. Victims of Terrorism Compensation Fund (the “Compensation Fund” and/or the “Fund”). The proposed legislation is narrowly tailored, easily administered, and is well-suited for inclusion under the NDAA, the Department of State Authorization Act, or as part of a budget bill.

The Compensation Fund was created in 2014 as part of omnibus budget legislation. Because it derives its funding from fines and penalties secured by the Department of Justice, the Fund is structurally budget neutral. The Fund is not and has not been limited to American victims; instead, it applies to judgment-holding victims of state-sponsored terrorist attacks directed against the United States. Though the Department of Justice declines to disclose the identifying details of any distributions, the Fund appears to have received and distributed three billion dollars (\$3,000,000.00) from the Department of Justice to date.

The Firm’s proposed U.S. legislation provides several benefits to judgment holders and others, but its main provisions (1) provide a pathway for all victims to become eligible in the Fund; and (2) formalize requirements for continuing contributions to the Fund by the Department of Justice.

Section 4202 of the proposed U.S. legislation describes its purpose as: "...to strengthen the cooperation between the United States and Kenya and between the United States in the fight against terrorism by establishing the eligibility of the Kenyan victims and their personal representatives, surviving spouses, and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act...."

Section 4303(a)(7) of the proposed legislation makes eligible for the Fund every "...citizen or resident of Kenya or the United States who was injured or who sustained a loss as a result of the 1998 Embassy Bombings and the personal representative or surviving spouse or next of kin of a citizen or resident of Kenya or the United States who was injured or who sustained a loss as a result of the 1998 Embassy Bombings..." and provides for a conclusive presumption that eligible claimants sustained injury and damages in the amount of the Damages Award in the Litigation.

The Firm emphasizes that the Damages Award that the Firm secured for many of its clients after decades of litigation should not be viewed by any victim as an indicator of the range of possible distributions. It is not. Just as the 9/11 victims have received only fractions of their damages so far, the proposed U.S. legislation makes possible similar fractional distributions to Kenyan victims. But the proposed legislation and the Fund finally provide a vehicle for continuing, long-overdue compensation for innocent victims who are no longer forgotten.

July 6, 2023

Philip M. Musolino

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**DATABASE – LITIGATION:
Appendix A**

1. U.S. District Court for District of Columbia – Odillia Mutaka Mwani, et al. v. Al Qaeda, et al. (No. 99-CV-00125):
 - i. *Odillia Mutaka Mwani, et al. v. Al Qaeda, et al. (99-CV-125)* M&D_00001 - M&D_00043
Docket
 - ii. 99-04-30 First Amended Complaint M&D_00044 - M&D_00193
 - iii. 99-04-30 Form 95, et al. M&D_00194 - M&D_01122
 - iv. 10-01-07 Opinion and Order Regarding Choice of Law M&D_01123 - M&D_01131
 - v. 10-01-25 Plaintiffs' Brief Pursuant to Order of January 7, 2010 M&D_01132 - M&D_01216
 - vi. 13-05-29 Memorandum Opinion and Order M&D_01217 - M&D_01225
 - vii. 14-08-22 Memorandum Opinion and Order M&D_01226 - M&D_01230
 - viii. 14-09-25 Findings of Fact and Conclusions of Law M&D_01231 - M&D_01261
 - ix. 14-09-25 Judgment M&D_01262
 - x. 14-11-18 Second Findings of Fact and Conclusions of Law M&D_01263 - M&D_01275
 - xi. 14-11-18 Second Judgment M&D_01276 - M&D_01285
 - xii. 21-08-31 Plaintiffs' Motion for Relief With Respect to the Sudan Claims Resolution Act and With Respect to Assets Held by OFAC M&D_01286 - M&D_01331
 - xiii. 22-05-23 Final Judgments M&D_01332 - M&D_01342

2. U.S. Court of Appeals for District of Columbia Circuit – Merania Muringu Macharia, et al. v. United States (No. 03-562):
 - i. 03-10-09 Petition for Writ of Certiorari M&D_01343 - M&D_01483
 - ii. 04-01-20 Denial of Petition for Writ of Certiorari M&D_01484

3. U.S. Court of Appeals for District of Columbia Circuit – Odilla Mutaka Mwani, et al. v. Osama Bin Laden and Afghanistan (No. 04-5266):
 - i. 04-11-22 Appellants' Brief M&D_01485 - M&D_01529
 - ii. 05-01-05 Appellants' Reply Brief M&D_01530 - M&D_01546
 - iii. 05-08-05 Judgment M&D_01547
 - iv. 05-08-05 Opinion M&D_01548 - M&D_01575

**DATABASE – LEGISLATION:
Appendix B**

1. Draft U.S. Legislation:

- | | |
|---|-----------------------|
| i. 23-01-03 United States Victims of State Sponsored Terrorism Fund Special Master’s Report Regarding the Fourth Distribution | M&D_01576 - M&D_01589 |
| ii. 23-06-30 1998 Embassy Bombing Litigation and Legislation Package | M&D_01590 - M&D_01661 |
| iii. 23-07-03 Proposed U.S. Legislation | M&D_01662 - M&D_01667 |

2. Foreign Agents Registration Act (FARA):

- | | |
|---|-----------------------|
| i. 22-03-21 FARA Registration, et al. | M&D_01668 - M&D_01698 |
| ii. 22-10-03 FARA Supplemental, et al. | M&D_01669 - M&D_01941 |
| iii. 23-04-28 FARA Supplemental, et al. | M&D_01942 - M&D_02006 |

3. Kenyan Legislation:

- | | |
|--|-----------|
| i. 23-06-23 Notice of Ad Hoc Committee | M&D_02007 |
| ii. 23-06-29 Kenyan Senate Proceeding | |

4. A. Press Release:

- | | |
|---------------------------------|-----------------------|
| i. 23-02-07 M&D Press Release | M&D_02008 - M&D_02009 |
| ii. 23-02-16 M&D Press Release | M&D_02010 |
| iii. 23-02-23 M&D Press Release | M&D_02011 - M&D_02012 |

B. Statements of Support:

- | | |
|--|-----------------------|
| i. 22-01-25 Hope for 1998 Blast Victims as US Law Firm Asks Them to Reach Out - The Star | M&D_02013 - M&D_02014 |
| ii. 22-03-25 Victims of Nairobi Embassy Attack Register to Lobby - Politico | M&D_02015 - M&D_02017 |
| iii. 22-05-30 Kenya - Raila, Ruto Seek US Compensation for 1998 Embassy Bombing Victims - The Africa Report | M&D_02018 - M&D_02023 |
| iv. 22-08-04 Law Firm Representing Hundreds of Kenyan Victims of the 1998 Terrorist Bombing By Al Qaeda Writes White House Spokesman John Kirby Over Heated Exchange With Journalist Simon Ateba - Today News Africa | M&D_02024 - M&D_02029 |
| v. 22-08-07 Its 24 Years Today Since Al Qaeda Bombed Two US Embassies in Kenya and Tanzania Killing 224 Americans and Africans on August 7, 1998 - Today News Africa | M&D_02030 - M&D_02036 |
| vi. 22-08-07 US Firm Wants Kenyan Victims of 1998 Attack Compensated - The Nation | M&D_02037 - M&D_02038 |

vii. 23-02-26 US First Lady's Visit Renews Hope for Embassy Bomb Victims

M&D_02039 - M&D_02041

viii. 23-02-26 Joyce Omondi Statement

M&D_02042

5. Correspondence:

i. 22-04-21 PMM Ltr. to Senator Coons

M&D_02043 - M&D_02044

ii. 22-04-21 PMM Ltr. to Congressman Meeks

M&D_02045 - M&D_02046

iii. 22-04-21 PMM Ltr. to Chief of Staff Waita

M&D_02047 - M&D_02048

iv. 22-04-21 PMM Ltr. to Charge d'Affaires Kneedler

M&D_02049 - M&D_02050

v. 22-05-04 PMM Ltr. to Senator Warnock

M&D_02050 - M&D_02070

vi. 22-05-04 PMM Ltr. to Congresswoman McBath

M&D_02071 - M&D_02090

vii. 22-05-04 PMM Ltr. to Congresswoman Bourdeaux

M&D_02091 - M&D_02110

viii. 2-05-04 PMM Ltr. to Congressman Meeks

M&D_02111 - M&D_02130

ix. 22-05-04 PMM Ltr. to Charge d'Affaires Kneedler

M&D_02131 - M&D_02150

x. 22-08-04 PMM Ltr. to Kirby

M&D_02151- M&D_02169

xi. 23-02-07 PMM Ltr. to Sen. Dir. Devermont

M&D_02170- M&D_02179

xii. 23-02-07 PMM Ltr. to Sec. Blinken

M&D_02180- M&D_02181

xiii. 23-02-07 PMM Ltr. to First Lady Biden

M&D_02182- M&D_02194

xiv. 23-02-23 PMM Email to Office of First Lady Jill Biden

M&D_02195- M&D_02196

xv. 23-03-21 PMM Ltr. to First Lady Jill Biden

M&D_02197- M&D_02199