

Plaintiffs' Use of Transnational Discovery and Evidence-Gathering Instruments

Advancing the 9/11 Case in U.S. Federal Court

Plaintiffs' Hague Convention Request • U.K. MPS evidence • August 2025 jurisdictional ruling

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1. The Letter of Request: The Doorway to the MPS Evidence

June 9, 2021 — Southern District of New York

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to All Actions

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970
ON TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The United States District Court for the Southern District of New York sends its compliments to the Ministry of Justice of the United Kingdom, and respectfully presents this Letter of Request to the to the Senior Master of the Royal Courts of Justice as the designated Central Authority of the UK in accordance with the Hague Convention of 18 March 1970 on Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. No. 7444, 23 U.S.T.2555 ("Hague Evidence Convention"), which is in force between the United States and the United Kingdom.

This Letter of Request pertains to a civil matter that is pending in the United States District Court. Set forth above is the formal court title of the matter. The details of the Request are presented on the following pages, as follows:

1. **Sender**

Honorable Sarah Netburn
United States Magistrate Judge
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

This Request is made upon the application of the Plaintiffs,
see paragraph 6 below.

2. **Central Authority of the Requested State**

The Senior Master of the Royal Courts of Justice
Strand
London WC2A 2LL
United Kingdom

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The filing is itself the starting point: a U.S. federal court request for international judicial assistance under the Hague Evidence Convention.

- Requesting authority: U.S. District Court, Southern District of New York.
- Requested State: United Kingdom.
- Central Authority identified in the request: Senior Master of the Royal Courts of Justice.

2. What Were Plaintiffs Seeking?

- The Request sought inspection and copies of evidential holdings from the Metropolitan Police Service (MPS) at New Scotland Yard in London.
- The materials concerned Saudi government employee Omar al-Bayoumi and originated from British police investigations begun in the immediate aftermath of September 11, 2001.
- The filing described the holdings as potentially significant because they could contain contemporaneous documents and other items concerning Bayoumi's activities and contacts with 9/11 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar.
- The Request sought the evidence directly from the originating source — the Met's Counter Terrorism Command.

3. The Request Explained Why the Evidence Mattered

June 2021 court filing

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9. Plaintiffs' Statement of the Subject Matter and the Purpose for Which the Evidence is Sought

Plaintiffs claim that the entirety of the Met's Bayoumi holdings bears significant potential probative value for these proceedings. The Plaintiffs provide the following summary of the subject matter and the purpose for which the evidence is sought:

Omar al-Bayoumi was one of the Saudi nationals who supported the 9/11 hijackers Hazmi and Mihdhar most actively during their 19-month sojourn in the United States, prior to the September 11, 2001 Attacks. Bayoumi encountered Hazmi and Mihdhar in Los Angeles shortly after the two hijackers had arrived in the country. Notwithstanding Bayoumi's claim that this was an accidental meeting, Bayoumi proceeded to have considerable influence over Hazmi and Mihdhar's lives in California, beginning by advising the two men that it would be best for them to set themselves up in the San Diego area, where Bayoumi himself was living.

Hazmi and Mihdhar followed Bayoumi's advice and moved from Los Angeles to San Diego. Thereafter Bayoumi provided, or directed others to provide, substantial assistance to the two men in their daily lives, including helping them to obtain accommodation, bank accounts, drivers' licenses, and even flight lessons.

Bayoumi assigned two persons as his proxies to take care of Hazmi and Mihdhar on an ongoing basis. One of Bayoumi's proxies in San Diego was Mohdar Abdullah, who carried on providing substantial assistance to the two hijackers, including, among other things, help with learning English, transportation, identification, finances and assimilating into the U.S. It is known that Mohdar Abdullah later met at least one further hijacker who similarly participated in the September 11, 2001 Attacks, Hani Hanjour.

Plaintiffs claim that the Met's Bayoumi holdings are likely to include contemporaneous documents and other items created, received and/or kept by Bayoumi, containing information pertinent to the support provided to Hazmi and Mihdhar in California in 2000, as well as to other relevant events.

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It is requested that the Plaintiffs' counsel acting in respect of cross-border co-operation under the Hague Evidence Convention, J. Gavin Simpson, Esq., be assisted to take certified copies of the entirety of the Met's Bayoumi holdings. Plaintiffs' counsel are directed to lodge all such certified copies with the United States District Court without delay, as soon as the agreed procedure for execution of this Request is duly concluded.

11. Request for Notification of the Time and Place for the Execution of the Request and Identity and Address of Any Person to be Notified

It is requested that notification be provided of the time and place for the inspection, certified copying and/or transfer of the Met's Bayoumi holdings as soon as practicable, and if possible before Friday, June 11, 2021, and that this notification be sent to Plaintiffs' counsel, J. Gavin Simpson, Esq., at the address listed above in paragraph 3. Plaintiffs' counsel are directed to distribute such notification immediately to the Court and all of the parties in this litigation.

12. Specification of privilege

No assertion of a privilege recognized by this Court has been made concerning the execution of this Request.

13. The fees and costs incurred that are reimbursable under the second paragraph of Article 1, or under Article 26 of the Convention

Such costs, if any, shall be borne by the Plaintiffs. The bill for any such fees and costs should be sent to Plaintiffs' counsel, J. Gavin Simpson, Esq., at the address listed above in paragraph 3.

14. Date of Request

June 9, 2021

15. Signature and seal of the requesting authority

Honorable Sarah Netburn
United States Magistrate Judge
United States District Court
Southern District of New York



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The filing anticipated evidence concerning Bayoumi's history, relationships, contacts, meetings, discussions, financial arrangements and activities.

4. From Letter of Request to MPS Production



The March 10, 2022 UK High Court Consent Order required the MPS to provide materials responsive to the Request as soon as practicable, which the MPS has done on an ongoing basis.

5. The MPS Productions: A Substantial Trove of Evidence

APRIL 2022

Nearly 400 individual evidential items

14,000+ pages • hundreds of photographs • 20+ hours of video • multiple hours of audio-recorded suspect interviews

DECEMBER 2023

55 additional video tapes

Plus telephone records from Bayoumi's time in the U.K.

MAY 2025

Additional responsive material, incl. regarding follow-on investigations

Not yet publicly docketed

Plaintiffs promptly lodged the productions with the New York court and shared them with all parties to the 9/11 Terrorism Litigation.

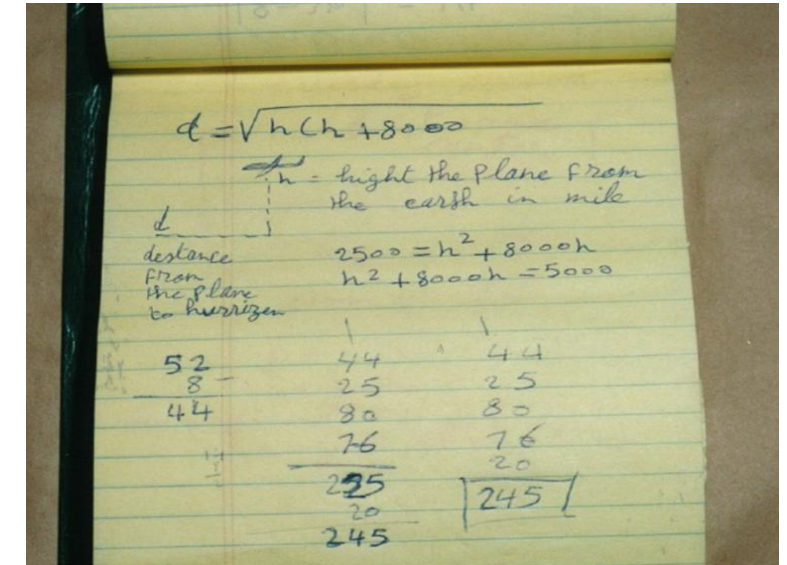
6. Highlights of the MPS Productions: Plaintiffs' Exhibits



-- Bayoumi's "welcome party" video --
Depicts the scheme of support by which Bayoumi "served as a connecting point" for the 9/11 hijackers in California



-- Bayoumi's "Washington trip" video --
Experts have declared that the footage bears the hallmarks of Al-Qaeda "casing" of a target for a terrorist attack



-- Bayoumi's "airplane diagram" --
Accompanied by flight planning equations, which the court cited as evidence of Bayoumi's "knowledge" of the 9/11 plot

7. Why the MPS Evidence Became So Important

The Hague Convention mechanism was the means by which these crucial items of evidence entered the record for the District Court's review.

DEVELOPING THE CASE

Plaintiffs used the materials to develop new evidence concerning Saudi Arabia's specific support to Al Qaeda and the 9/11 hijackers.

OPEN-COURT USE

MPS officials authorized removal of protective markings so the materials could be filed as judicial documents and disclosed publicly.

JURISDICTION

The district court referred extensively to MPS evidence in its August 2025 Order finding subject matter jurisdiction over Saudi Arabia.

8. August 2025: Historic Ruling in Plaintiffs' Favor

- Judge Daniels' August 2025 Order ruled that the district court has subject matter jurisdiction over the Kingdom of Saudi Arabia, declaring: **“Plaintiffs are Allowed to Prove their Case at Trial.”**
- The court found, based on “the entire body of undisputed facts, and the Court's preliminary assessment of certain disputed facts,” that “the exercise of jurisdiction is appropriate here.” The court’s Order referred extensively to evidence developed from the MPS materials.
- First time that a U.S. federal court has applied the JASTA framework to bring a foreign sovereign state under its jurisdiction to stand trial for providing material support to terrorists.
- Saudi Arabia has appealed the ruling. Oral argument before the U.S. Court of Appeals (2d Cir) will be heard in October 2026.

TRANSNATIONAL DISCOVERY → MPS EVIDENCE → JURISDICTION → PATH TOWARD TRIAL

Closing Takeaways

U.S. federal court request opened the door to crucial 9/11 evidence held overseas.

The MPS productions materially expanded the evidentiary record.

That evidence underpinned the district court's August 2025 jurisdictional ruling.

**A practical example of how transnational evidence-gathering
has changed the trajectory of complex U.S. litigation.**