

Central Intelligence Agency



Washington, D.C. 20505

18 June 2020

Mr. John Greenewald  
27305 West Live Oak Road  
Suite #1203  
Castaic, CA 91384

Reference: F-2018-01151

Dear Mr. Greenewald:

On 22 January 2020, the office of the Information and Privacy Coordinator received your correspondence asking for the status of your Freedom of Information Act request with reference number F-2018-01151. Our records show we mailed a final response package to you on 3 April 2018. Enclosed, please find a copy of our final response and 44 previously released documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lilly".

Mark Lilly  
Information and Privacy Coordinator

Enclosure

This document is made available through the declassification efforts  
and research of John Greenewald, Jr., creator of:

# The Black Vault

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The Black Vault is the largest online Freedom of Information Act (FOIA)  
document clearinghouse in the world. The research efforts here are  
responsible for the declassification of hundreds of thousands of pages  
released by the U.S. Government & Military.

**Discover the Truth** at: **<http://www.theblackvault.com>**

Central Intelligence Agency



Washington, D.C. 20505

3 April 2018

Mr. John Greenewald, Jr.  
27305 W. Live Oak Road  
Suite #1203  
Castaic, CA 91384

Reference: F-2018-01151

Dear Mr. Greenewald:

This is a final response to your 13 March 2018 Freedom of Information Act request for **a copy of records, electronic or otherwise, pertaining to: Diana, Princess of Wales.** We conducted a search for records that would reveal an openly acknowledged affiliation and located 44 previously released documents, consisting of 165 pages. Copies of the documents are enclosed.

With respect to any other records, in accordance with Section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of such records is itself currently and properly classified and is intelligence sources and methods information protected from disclosure by Section 6 of the CIA Act of 1949, as amended, and Section 102A(i)(I) of the National Security Act of 1947, as amended. Therefore, your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3). I have enclosed an explanation of these exemptions for your reference and retention. As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal.

If you have any questions regarding our response, you may contact us at:

Central Intelligence Agency  
Washington, DC 20505  
Information and Privacy Coordinator  
703-613-3007 (Fax)

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. You may reach CIA's FOIA Public Liaison at:

703-613-1287 (FOIA Hotline)

The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-864-6448  
202-741-5769 (fax)  
[ogis@nara.gov](mailto:ogis@nara.gov)

Contacting the CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal stroke extending to the right.

Allison Fong  
Information and Privacy Coordinator

Enclosures

\*\*\* Document 1 of 8 for FBSY \*\*\*

F(b)(3)

DOCN #00337426

(U)

PDTG P 311352Z AUG 97

FM FM FBIS VIENNA AU

TO RUCMAAA/FBIS RESTON VA

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RHDLCNE/CINCUSNAVEUR LONDON UK//N2//

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RHFPAAA/UTAS RAMSTEIN AB GE//INOW//

RUATJHU/CDRUSACTRA CP ZAMA JA

RUCBAIC/AIC NORFOLK VA

RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//

RUCXONI/ONI WASHINGTON DC//214#//

RUDHNIS/DIRNAVCIMINVSERV WASHINGTON DC

RUDKAC/AVIENNABETA

RUDKMB/FBIS LONDON UK//BBC RUCMAAA//

RUDKME/FBIS LONDON UK

RUDPMAX/FAISA FT BRAGG NC

RUDPHDC/DA AMHS WASHINGTON DC

RUEAII/STORAGE CENTER FBIS RESTON VA

RUEALGX/DEFINTAGENCY WASH DC

RUEBFGA/VOA WASHINGTON DC

RUEDADA/AFISA AMHS BOLLING AFB DC

RUEDADI/AFOSI IOC BOLLING AFB DC

RUEHC/SECSTATE WASHINGTON DC//INR//

RUEHIA/USIA WASHINGTON DC//R//

RUEHOL/AMEMBASSY BONN

RUEHRL/USOFFICE BERLIN

RUEKJCS/SECDEF WASHINGTON DC

RUETIAV/FT GEO G MEADE MD

RUETIAV/MPC FT GEO G MEADE MD

RUFDFEU/CDR USASETAF VICENZA IT//AESE-CMO//

RUEGATD/USCINCEUR INTEL VAIHINGEN GE

RUFTAKA/UCIRF GABLINGEN GE

RUFTAKC/UDITDUSAREUR HEIDELBERG GE

RUHDBKT/DATT-TLO BANGKOK TH

RUWTAEA/NAIC WRIGHT PATTERSON AFB OH

ACCT FBAU-EDWK

BT

CLAS UNCLAS 7H/LD

WARN WARNING: TOPIC: INTERNATIONAL, POLITICAL, TELECOM

SERI SERIAL: AU31#8135297

PASS PASS: ATTN BBC SD

COPY TO [REDACTED]

COUN COUNTRY: GERMANY, UNITED KINGDOM

SUBJ SUBJ: ZDF HEAD DEMANDS MEDIA CONSEQUENCES OVER DIANA'S DEATH

REF REF: 1. AU31#8134297 BERLIN DDP/ADN GERMAN 3111#4 -- KOHL  
 CRITICIZES MEDIA OVER DIANA'S DEATH  
 2. AU31#8133897 BERLIN DDP/ADN GERMAN 311#16 -- HERZOG,  
 KINKEL SEND CONDOLENCES ON DIANA'S DEATH

SOUR SOURCE: BERLIN DDP/ADN IN GERMAN 114# GMT 31 AUG 97

TEXT TEXT:

[FBIS TRANSLATED TEXT] BERLIN (DDP/ADN) -- ZDF DIRECTOR  
 GENERAL DIETER STOLTE HAS DEMANDED CONSEQUENCES OVER THE TRAGIC  
 \*DEATH OF PRINCESS DIANA. THE CIRCUMSTANCES OF HER DEATH ARE A  
 "VERY CLEAR SIGNAL TO THE MEDIA," STOLTE SAID IN AN INTERVIEW WITH  
 THE DDP/ADN NEWS AGENCY AT THE INTERNATIONAL RADIO FAIR (IFA) IN  
 BERLIN ON SUNDAY [31 AUGUST]. A PERSON'S DIGNITY MUST NOT BE  
 IGNORED EVEN IF THIS PERSON IS IN THE PUBLIC LIMELIGHT.

IN PARTICULAR, THE PRINT MEDIA AND THE PHOTOGRAPHERS MUST  
 DISCUSS THEIR METHODS. "IT CANNOT CONTINUE IN THIS WAY," THE ZDF  
 DIRECTOR GENERAL STRESSED. THE EX-WIFE OF PRINCE CHARLES, THE  
 HEIR TO THE BRITISH THRONE, WAS KILLED IN A CAR ACCIDENT DURING  
 THE NIGHT TO SUNDAY, TRYING TO ESCAPE FROM PHOTOGRAPHERS IN PARIS.  
 HER EGYPTIAN COMPANION DODI AL-FAYED AND THE CAR DRIVER DIED  
 IMMEDIATELY. DIANA, 36, WAS TAKEN TO A HOSPITAL, WHERE SHE DIED  
 FROM HEART FAILURE.

THE ZDF DIRECTOR GENERAL DEMANDED AN IMMEDIATE DISCUSSION ABOUT  
 \*THE CIRCUMSTANCES OF HER DEATH. A UNIFORM WAY MUST BE DETERMINED  
 FOR THE MEDIA TO DEAL WITH PEOPLE IN THE PUBLIC LIMELIGHT.

DIANA'S DEATH IS NOT ONLY A LOSS FOR GREAT BRITAIN, BUT IN  
 PARTICULAR FOR THE ENTIRE FAMILY OF THE PRINCESS, STOLTE STRESSED.  
 IN GREAT BRITAIN DIANA WAS LIKED BY MANY PEOPLE AND WAS A FIGURE  
 OF IDENTIFICATION. HOWEVER, THE BRITISH OFTEN NOTICE SOMETHING  
 LIKE THIS ONLY AFTER THE PERSON IN QUESTION HAS DIED, STOLTE SAID.  
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APPROVED FOR RELEASE

DATE: APR 2000

C00332672

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(ENDALL) 311148 [REDACTED]  
BT  
#0418

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\*\*\* Document 2 of 8 for FBSY \*\*\*

DOCN 00337781  
 PDTG R 311923Z AUG 97  
 FM FM FBIS MBABANE WZ  
 TO TO RUCMAAA/FBIS RESTON VA  
 RHDLCNE/CINCUSNAVEUR LONDON UK//N2//  
 RHEGLAI/DOE LANL INTERNATIONAL TECHNOLOGY DIV//IT STILLMAN//  
 RHEGLLI/DOE LAWRENCE LIVERMORE LAB//L-389//  
 RHEPAAB/ACCIS LANGLEY AFB VA//36IS//  
 RHHJJAA/JICPAC HONOLULU HI  
 RHHJJPI/PACOM IDHS HONOLULU HI  
 RHHMUNA/USCINCPAC HONOLULU HI  
 RUCBAIC/AIC NORFOLK VA  
 RUCBAIC/AIC NORFOLK VA//JIC//  
 RUCCFVY/CG MARRESFOR//G-2 OPS//  
 RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
 RUCXONI/ONI WASHINGTON DC//214//  
 RUDHSIC/CDRUSASOIC WASH DC//DIS//  
 RUDKMKB/FBIS LONDON UK//BBC RUCMAAA//  
 RUDKMKKE/FBIS LONDON UK  
 RUDMQAN/MARCORIOTACT DET QUANTICO VA  
 RUDMQAN/MARCORINTACT DET QUANTICO VA//MCIA-12//  
 RUDPMAX/FAISA FT BRAGG NC  
 RUDPTUT/COLMGTOFCXVIIIABNCORPS  
 RUDPWDC/DA AMHS WASHINGTON DC  
 RUEAIIA/CIA WASHINGTON DC  
 RUEAIIIS/STORAGE CENTER FBIS RESTON VA  
 RUEAIJU/NPIC WASHINGTON DC//  
 RUEALGX/DEFINTAGENCY WASH DC  
 RUEBFGA/VOA WASHINGTON DC  
 RUEDADA/AFISA AMHS BOLLING AFB DC  
 RUEDADI/AFOSI IOC BOLLING AFB DC  
 RUEHC/SECSTATE WASHINGTON DC//INR//  
 RUEHIA/USIA WASHINGTON DC//P/RLS/M/PT//  
 RUEHSA/AMEMBASSY PRETORIA  
 RUEKJCS/SECDEF WASHINGTON DC  
 RUENAAA/CNO WASHINGTON DC//922Y//  
 RUEOAYA/CDR NGIC CHARLOTTESVILLE VA//  
 RUEOBBA/USCENTAF SHAW AFB SC//A2//  
 RUESDA/FBIS ABIDJAN IV  
 RUETIAV/FT GEO G MEADE MD//P-16//  
 RUETIAV/HQ AFIA FT GEO G MEADE MD//INII FOR BREWER//  
 RUETIAV/MPC FT GEO G MEADE MD

RUFQBBA/SURVEY DIV SHAPE BE  
 RUQVDPR/300MIBDE//S-3//  
 RUWFOAA/NCCOSC RDTE DIV SAN DIEGO CA//17//  
 RUWSMXI/USCINTRANS INTEL CEN SCOTT AFB IL//J2-0/J2-J//  
 RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
 RUWTAEA/NAIC WRIGHT PATTERSON AFB OH//DXH//  
 ACCT FBMB-EWDK

BT

CLAS UNCLAS 8C

WARN WARNING: TOPIC: POLITICAL, ECONOMIC, DOMESTIC, INTERNATIONAL

SERI SERIAL: MB3108192397  
 PASS PASS: ATTN VED  
 ATTN BBC AFRICA  
 ONLY VED

COUN COUNTRY: SOUTH AFRICA  
 SUBJ SUBJ: TELEVISION PROGRAM SUMMARY 311800

SOUR SOURCE: JOHANNESBURG SABC 3 TELEVISION NETWORK IN ENGLISH 1800 GMT  
 31 AUG 97

TEXT TEXT:

[FBIS LOG]

[SCHEDULED NEWSCAST]

1. ANNOUNCER-INTRODUCED LIVE BBC WORLD VIDEO FOOTAGE ON THE \*ARRIVAL OF PRINCESS DIANA'S BODY AT RAF NORTHOLT. (10 MIN)
2. ANNOUNCER-INTRODUCED LIVE TELEPHONE INTERVIEW WITH SABC REPORTER CONRAD BURKE, IN LONDON, DISCUSSING REACTION IN THE UK TO \*PRINCESS DIANA'S DEATH. (4 MIN)
- \* 3. ANNOUNCER-INTRODUCED CNN VIDEO REPORT ON CIRCUMSTANCES \*SURROUNDING THE CAR CRASH IN WHICH PRINCESS DIANA WAS KILLED. (5 MIN)
4. ANNOUNCER-INTRODUCED TELEPHONE INTERVIEW WITH FRENCH \*LIBERATION CORRESPONDENT ON ISSUES SURROUNDING THE DEATH OF PRINCESS \*DIANA. (4 MIN)

APPROVED FOR RELEASE  
 DATE: APR 2000

5. ANNOUNCER-INTRODUCED BBC WORLD VIDEO REPORT REVIEWING  
\*PRINCESS DIANA'S STORMY RELATIONSHIP WITH THE PRESS. (3 MIN)
  6. ANNOUNCER-INTRODUCED VIDEO REPORT ON EARL SPENCER ADDRESSING  
JOURNALISTS OUTSIDE HIS CONSTANTIA, CAPE TOWN HOME, ACCUSING THE  
PRESS OF HOUNDING HIS SISTER. (3 MIN)
  7. ANNOUNCER-INTRODUCED SABC VIDEO REPORT ON A SOUTH AFRICAN  
\*PHOTOGRAPHER SAYING THAT THE CIRCUMSTANCES SURROUNDING DIANA'S DEATH  
WILL PUT THE SPOTLIGHT ON FREELANCE JOURNALISTS AND THEIR METHODS;  
HE ADDS THAT DIANA SHOULD NOT HAVE BEEN SECRETIVE ABOUT THE  
RELATIONSHIP. (2 MIN)
  - \* 8. ANNOUNCER-INTRODUCED CNN VIDEO REPORT ON PRINCESS DIANA'S  
COMPANION DODI AL-FAYED. (1 MIN)
  9. ANNOUNCER-INTRODUCED VIDEO REPORTS ON REACTION TO THE DEATH  
\*OF PRINCESS DIANA BY: BRITISH PRIME MINISTER TONY BLAIR; U.S.  
PRESIDENT BILL CLINTON; SOUTH AFRICAN PRESIDENT MANDELA; ZULU KING  
GOODWILL ZWELITHINI; BRITISH HIGH COMMISSIONER TO SOUTH AFRICA LYALL  
GRANT. (3 MIN)
  10. ANNOUNCER-INTRODUCED VIDEO REPORT SAYING THE NEWS OF  
\*PRINCESS DIANA'S DEATH INTERRUPTED CHURCH SERVICES THROUGHOUT SOUTH  
AFRICA; REPORT VIEWS ANNOUNCEMENT IN A CAPE TOWN CATHEDRAL. (1 MIN)
  11. ANNOUNCER-READ REPORT SAYING SABC TELEVISION'S CHANNEL 2  
\*WILL CONTINUE SPECIAL COVERAGE ON THE DEATH OF PRINCESS DIANA.  
(BRIEF)
  12. ANNOUNCER-INTRODUCED VIDEO REPORT SAYING TOP LEVEL TALKS  
BETWEEN SUDAN AND UGANDA WERE HELD IN PRETORIA TODAY; PRESIDENT  
MANDELA SAYS AFTER TALKS THAT SENSITIVE ISSUES HAVE BEEN DISCUSSED  
AND THAT NO DETAILS OF TALKS WILL BE RELEASED. (1 MIN - COV)
  13. ANNOUNCER-INTRODUCED VIDEO REPORT ON A PLANNED HOUSING  
PROJECT FOR THE RIEMVASMAAK COMMUNITY IN THE NORTHERN CAPE. (2 MIN)
  14. ANNOUNCER-INTRODUCED VIDEO REPORT ON SOUTH AFRICA'S BID TO  
HOST THE OLYMPIC GAMES. (1 MIN)
  15. SPORTS. (2 MIN)
- (ENDALL) 311800 [REDACTED] 073108.012 [REDACTED] 13108.320 31/1924Z  
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\*\*\* Document 3 of 8 for FBSY \*\*\*

DOCN 000339351  
PDTG P 020904Z SEP 97  
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TO TO RUCHAAA/FBIS RESTON VA  
RUDKMKB/FBIS LONDON UK//BBC RUCHAAA//  
RUDPMAX/FAISA FT BRAGG NC  
RUDPWDC/DA AMHS WASHINGTON DC  
RUEAII/STORAGE CENTER FBIS RESTON VA  
RUEALGX/DEFINTAGENCY WASH DC  
RUEADADI/AFOSI IOC BOLLING AFB DC  
RUEHC/SECSTATE WASHINGTON DC//INR//  
RUEKJCS/SECDEF WASHINGTON DC  
RUESFW/FBIS WARSAW PL  
RUESMF/FBIS MOSCOW RS  
RUETIAV/MPC FT GEO G MEADE MD  
RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
ACCT FBLD-ENDK  
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WARN WARNING: THE DESCRIPTOR NPP -- NO PROCESSING PLANNED -- INDICATES  
THAT PROCESSING OF RELEVANT ITEM IS DEFERRED TO FBIS  
HEADQUARTERS IN RESTON

WARNING: TOPIC: POLITICAL, ECONOMIC, DOMESTIC, INTERNATIONAL

SERI SERIAL: MM0209090497  
PASS PASS: ATTN BBC FAX  
COPY TO [REDACTED]

COUN COUNTRY: RUSSIA  
SUBJ SUBJ: PRESS SELECTION LIST MMU RUSSIAN 1

TEXT TEXT:

[FBIS SELECTION] MOSCOW IZVESTIYA 2 SEP 97

1 SERGEY CHUGAYEV COMMENTARY ON YELTSIN ANNOUNCEMENT THAT HE  
WILL NOT RUN FOR REELECTION P 1 TEXT 400

\* 2 ALBERT PLUTNIK ARTICLE CONDOLING ON DEATH OF PRINCESS DIANA,  
SEEING 'TRAGIC LESSON FOR US TOO' FROM RUTHLESS MEDIA PURSUIT OF  
'POPULISM,' URGING RUSSIAN MEDIA 'REASSESSMENT' AWAY FROM OBSESSION  
WITH 'VULGARITY AND VULGAR PEOPLE' P 1 (750) NPP

3 ELMAR GUSEYNOV, GENNADIY CHARODEYEV ARTICLE ON SUGAR IMPORT  
DISPUTE WITH UKRAINE, EVIDENCE OF CABINET SPLIT ON ISSUE BETWEEN  
VICE PREMIERS KHLISTUN, SEROV PP 1-2 TEXT 850

4 GENNADIY CHARODEYEV REPORT ON RUSSIAN TRUCKERS' THREAT OF  
NATIONWIDE PROTEST ACTION OVER WHAT THEY SEE AS FOREIGN TRUCKERS'  
'PRIVILEGED POSITION' IN RUSSIA PP 1, 2 (550) NPP

5 ALEKSEY TARASOV ARTICLE ON CHANGES IN LEADERSHIP OF  
KRASNOYARSK ALUMINUM COMBINE, BACKGROUND TO STRUGGLE FOR CONTROL OF  
PLANT, RESULTS OF FIRST ROUND OF TRIALS RESULTING FROM 1994  
'ALUMINUM WAR' KILLINGS P 2 (750) NPP

6 VIKTOR LITOVKIN REPORT CITING VARIOUS MILITARY OFFICIALS ON  
PATCHY BUT GENERALLY IMPROVED PAY ARREARS SITUATION IN VARIOUS PARTS  
OF ARMED FORCES P 2 TEXT 450

7 DMITRIY DOKUCHAYEV REPORT ON MOSCOW CONFERENCE ON ASIAN  
INVESTMENT POSSIBILITIES ADDRESSED BY PREMIER CHERNOMYRDIN, CENTRAL  
BANK CHIEF DUBININ, CITING FIRST DEP FINANCE MINISTER KUDRIN ON  
EXPECTATIONS OVER NEXT FEW YEARS P 2 TEXT 400

8 VERA KUZNETSOVA ARTICLE LINKING DAGESTAN INCIDENTS TO CASPIAN  
OIL CONSIDERATIONS P 2 TEXT 350

\* 9 FEATURE ('FAIRYTALE WITH A TRAGIC END') ON DEATH OF PRINCESS  
\*DIANA; COMPRISES 700-WORD KOVALENKO PARIS REPORT ON CIRCUMSTANCES OF  
FATAL CRASH, 1100-WORD SKOSYREV LONDON REPORT RECALLING HISTORY OF  
ROYAL MARRIAGE; SKOSYREV CONCLUDES BY CITING OPINION OF  
'CONSTITUTIONAL EXPERT DAVID STARK' THAT 'PRINCE CHARLES LACKS THE  
MAGNETISM OF HIS LATE WIFE AND WILL BE UNABLE TO PREVENT THE GROWTH  
OF ANTIMONARCHIST FEELING' P 3 (1600) NPP

10 REPORT BY DMITRIY POLUNIN OF ITAR-TASS ON COLLAPSE OF TRIAL  
OF ALLEGED RUSSIAN GANGSTER YURIY YESIN IN ITALY AFTER COURT RULES  
TELEPHONE INTERCEPTS INADMISSIBLE P 3 (350) NPP

11 YEVGENIY BOVKUN REPORT ON FRG PRESIDENT HERZOG'S PRESS  
CONFERENCE FOR RUSSIAN JOURNALISTS AHEAD OF HIS VISIT TO MOSCOW P 3  
TEXT 400

12 GENNADIY CHARODEYEV REPORT, CITING TURKISH NEWSPAPER, THAT  
TURKISH BORDER GUARDS SEARCHED EGYPTIAN SHIP IN HOPES OF FINDING S-  
300 MISSILES FOR CYPRUS; QUOTES CYPRUS EMBASSY SPOKESMAN ON INCIDENT  
P 3 (400) NPP

13 VALERIY GVOZDIKOV ARTICLE DETAILING REPORTED SCAMS OF FORMER  
SAKHALIN OBLAST FIRST VICE GOVERNOR GOMILEVSKIY, WHO ALLEGEDLY USED  
ALMOST \$1 MILLION IN QUAKE AID TO PURCHASE WHEAT ABROAD WHICH WAS  
THEN SOLD ON VIA SAKHALINSKIY TORGOVYY DOM COMPANY, YIELDING PROFIT  
OF OVER R950 MILLION; LOCAL AUTHORITIES HAVE ATTEMPTED TO FOIL  
INVESTIGATION OF GOMILEVSKIY'S ACTIVITIES, BUT CASE HAS NOW BEEN  
HANDLED OVER TO Khabarovsk Kray Prosecutor's Office P 5 (2400) NPP

14 UNATTRIBUTED ANNOUNCEMENT OF 31 AUG DEATH FROM HEART ATTACK  
OF LUKOIL VICE PRESIDENT V.G. SHMIDT P 6 (300) NPP

KIEV IZVESTIYA UKRAINA 2 SEP 97

1 CORRESPONDENT/AGENCY COLUMN REPORT ON AMNESTY INTERNATIONAL  
FIGURES ON CONTINUING ENFORCEMENT OF DEATH PENALTY IN UKRAINE  
DESPITE COMMITMENTS ADOPTED ON JOINING COUNCIL OF EUROPE P 1 (100)  
NPP

(ENDALL)

BT

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\*\*\* Document 4 of 8 for FBSY \*\*\*

DOCN 000341978  
PDTG 0 031801Z SEP 97  
FM FM FBIS LONDON UK  
TO TO RUCWAAA/FBIS RESTON VA  
RHEGLAI/DOE LANL INTERNATIONAL TECHNOLOGY DIV//IT STILLMAN//  
RHEGLLI/DOE LAWRENCE LIVERMORE LAB//L-389//  
RHEPAAB/ACCIS LANGLEY AFB VA//361S//  
RHHJJAA/JICPAC HONOLULU HI  
RHHJJPI/PACOM IDHS HONOLULU HI  
RHHMUNA/USCINCPAC HONOLULU HI  
RUCBAIC/AIC NORFOLK VA//JIC//  
RUCBAIC/AIC NORFOLK VA  
RUCCFVY/CG MARRESFOR//G-2 OPS//  
RUCJAAA/HQ USSOCOM MACDILL AFB FL//SOPA//  
RUCJACC/USCINCCENT MACDILL AFB FL  
RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
RUCQAAA/USCINCCENT INTEL CEN MACDILL AFB FL  
RUCQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL  
RUCUSTR/USSTRATCOM OFFUTT AFB NE//J272//  
RUCXONI/ONI WASHINGTON DC//2140//  
RUDKMB/FBIS LONDON UK//BBC RUCWAAA//  
RUDMQAN/MARCORINTACT DET QUANTICO VA//MCIA-12//  
RUDPMAX/FAISA FT BRAGG NC  
RUDPTUT/COLMGTOFCXVIIIABNCORPS  
RUDPWDC/DA AMHS WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RUEAIIS/STORAGE CENTER FBIS RESTON VA  
RUEAIJU/NPIC WASHINGTON DC//IEG//  
RUEALGX/DEFINTAGENCY WASH DC  
RUEBNBA/HQ AFTAC-IN PATRICK AFB FL  
RUEDADI/AFOSI IOC BOLLING AFB DC  
RUEHC/SECSTATE WASHINGTON DC//INR//  
RUEHIA/USIA WASHINGTON DC//R//  
RUEHIA/USIA WASHINGTON DC//P/RLS/M/PT//  
RUEKJCS/SECDEF WASHINGTON DC  
RUENAAA/CNO WASHINGTON DC//922Y//  
RUEOAYA/CDR NGIC CHARLOTTESVILLE VA  
RUERNUL/CDR USACAC FT LEAVENWORTH KS//ATZL/SAS//  
RUESDJ/FBIS OKINAWA JA  
RUETIAV/FT GEO G MEADE MD//P-16//  
RUETIAV/HQ AFIA FT GEO G MEADE MD//INII FOR BREWER//  
RUETIAV/MPC FT GEO G MEADE MD  
RUECAID/USCINCEUR INTEL VAATHINGEN GE

RUFQBBB/SURVEY DIV SHAPE BE  
RUFTAKC/UDITDUSAREUR HEIDELBERG GE  
RULWIOC/STRATCOM INTEL OPSCTR OFFUTT AFB NE  
RUWFOAA/NCCOSC RDTE DIV SAN DIEGO CA //017//  
RUWSMXI/USCINCTrans INTEL CEN SCOTT AFB IL//J2-0/J2-J//  
RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
RUWTAEA/NAIC WRIGHT PATTERSON AFB OH//DXH//  
ACCT FBID-EWDK  
BT

CLAS UNCLAS 3Z/STV/MOSTV VIDEO

WARN WARNING: A VIDEOTAPE OF THE NEWSCAST SUMMARIZED BELOW CAN BE ORDERED FROM THE FBIS TV CENTER BY CALLING [REDACTED] BETWEEN 0800 AND 1600 EST OR BY FAXING AN ORDER TO [REDACTED]. PLEASE SUPPLY THE TAPE NUMBER (FOUND ON THE SUBJECT LINE), YOUR NAME, PHONE NUMBER, AND OFFICE ADDRESS. TAPES NOT ORDERED WITHIN 30 DAYS WILL BE ERASED.

WARNING: TOPIC: POLITICAL, ECONOMIC, DOMESTIC, INTERNATIONAL

SERI SERIAL: LD0309180197  
PASS PASS: ATTN USIS MOSCOW  
ATTN NATHANSON  
COPY TO VED

COUN COUNTRY: RUSSIA  
SUBJ SUBJ: TELEVISION PROGRAM SUMMARY 031700: MOS 97-5594

SOUR SOURCE: MOSCOW RUSSIAN PUBLIC TELEVISION FIRST CHANNEL NETWORK IN RUSSIAN 1700 GMT 3 SEP 97

TEXT TEXT:

["VREMYA" NEWSCAST, PRESENTED BY YEKATERINA ANDREYEVA; RECEPTION GOOD; FIGURES IN PARENTHESES INDICATE TIME IN MINS/SECS SINCE START OF PROGRAM]

[FBIS LOG]

APPROVED FOR RELEASE  
DATE: APR 2000

## 1. (0055) HEADLINES.

2. (0129) REPORT OVER VIDEO OF CEREMONY IN MOSCOW TO MARK OPENING OF SQUARE IN FRONT OF CATHEDRAL OF CHRIST THE SAVIOR IN MOSCOW, SHOWING PRESIDENT YELTSIN MEETING PATRIARCH ALEKSIY, CUTTING TAPE TO OPEN ROAD TO PARK LEADING TO THE CATHEDRAL. MOSCOW MAYOR LUZHKOV IS SEEN ACCOMPANYING THEM. YELTSIN GREETES CROWD, SHAKES HANDS WITH SOME OF THEM.

3. (0344) BEFORE THE CEREMONY AT THE CHURCH YELTSIN HAD MEETINGS WITH GERMAN PRESIDENT ROMAN HERZOG PRIOR TO HIS DEPARTURE FOR HOME, WITH DEFENCE COUNCIL SECRETARY ANDREY KOKOSHIN AND JUSTICE MINISTER SERGEY STEPASHIN. VIDEO SHOWS MEETINGS WITH ALL THREE.

4. (0709) DEATH SENTENCE CARRIED OUT IN GROZNY WHERE TWO PEOPLE WERE SHOT IN PUBLIC BY FIRING SQUAD. VIDEO REPORT SHOWS THE VICTIMS BEING LINED UP AND SHOT AS CROWD WATCHES. CHECHEN PROCURATOR PROMISED TO EXECUTE ANOTHER 30 PEOPLE SOON.

5. (0856) REPORT OVER VIDEO OF THE LATEST SITUATION ON THE PROBLEM OF THE PAYMENT FOR THE TRANSIT OF OIL FROM AZERBAIJAN TO RUSSIA OF OIL EQUIPMENT, SHOWING THE PRESIDENT OF THE YUZHNA OIL COMPANY YARIKHANOV WHO MADE IT CLEAR THAT CHECHNYA WOULD AGREE TO RUSSIA'S PROPOSALS, THE DAGOMYS HOTEL, OIL PUMPING EQUIPMENT, RUSSIAN PRIME MINISTER CHERNOMYRDIN STRESSING THAT THERE WOULD BE NO COMPROMISES. TALKS WILL CONTINUE IN GROZNY TOMORROW.

6. (1120) AS THE RUSSIAN STATE DUMA HOLDS ITS FIRST WORKING DAY AFTER THE RECESS, IN WASHINGTON THE U.S. CONGRESS ALSO RESUMED ITS PROCEEDINGS. IN A REPORT OVER VIDEO FROM THE US CAPITAL AMERICANS IN THE STREET ARE ASKED WHAT THEY THINK OF THE WORK OF THEIR OWN CONGRESS; ALSO GENERAL SCENES IN THE CAPITAL AND INSIDE CONGRESS BUILDING.

7. (1402) REPORT OVER VIDEO OF THE RUSSIAN STATE DUMA BEGINNING ITS AUTUMN SESSION, SHOWING SPEAKER SELEZNEV OPENING PROCEEDINGS, VARIOUS DEPUTIES BEING INTERVIEWED, CHATTING IN CORRIDORS, AND SPEAKING FROM THE FLOOR. SERGEY BELYAYEV SPEAKS IN FAVOUR OF ELECTION OF ALEKSANDR SHOKHIN AS NEW LEADER OF OUR HOME IS RUSSIA FACTION. SHOKHIN AND CHERNOMYRDIN INTERVIEWED BRIEFLY ON NEW MOVES.

8. (1734) PRIME MINISTER CHERNOMYRDIN OPENED NEW EXHIBITION ON FOOD PRODUCTS IN MOSCOW. REPORT OVER VIDEO SHOWS SCENES AT EXHIBITION, CHERNOMYRDIN CUTTING TAPE, TALKING ABOUT HIGH STANDARDS OF RUSSIA'S FOOD PRODUCTS AND BEING SHOWN AROUND THE STANDS.

9. (2030) FOREIGN NEWS REPORTS OVER AGENCY VIDEO: VIETNAMESE AIRCRAFT CRASHED NEAR PHNOM PENH; COUP ATTEMPT ON COMORES IS; FRENCH \*POLICE CONTINUE INVESTIGATIONS INTO PRINCESS DIANA'S DEATH.

10. (2330) IGOR ROSTOVTSSEV REPORTS ON WORLD REACTION TO THE \*CIRCUMSTANCES OF THE CAR CRASH WHICH KILLED DIANA, PRINCESS OF \*WALES, OVER VIDEO FROM VARIOUS COUNTRIES AND LIBRARY PICTURES OF EVENTS IN THE PRINCESS' LIFE.

11. (2511) REPORT OVER VIDEO OF PRESIDENT YELTSIN VISITING THE POKROVSKIY ACADEMIC CHAMBER THEATER IN MOSCOW WHICH IS OPENING A NEW BUILDING, SHOWING YELTSIN AND MOSCOW MAYOR LUZHKOV GREETING ITS DIRECTOR AND OTHER ARTISTES.

12. (2813) COMMERCIALS.

13. (3015) SPORT.

14. (3520) WEATHER.

(ENDALL) 031700 [REDACTED] 03/1802Z SEP WC 492

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\*\*\* Document 6 of 8 for FBSY \*\*\*

DOCN 000351806

PDTG 0 101949Z SEP 97

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TO RUCWAAA/FBIS RESTON VA  
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 RHHMUNA/USCINCPAC HONOLULU HI  
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 RUCBAIC/AIC NORFOLK VA  
 RUCCFVY/CG MARRESFOR//G-2 OPS//  
 RUCJAAA/HQ USSOCOM MACDILL AFB FL//SOPA//  
 RUCJACC/USCINCCENT MACDILL AFB FL  
 RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
 RUCQAAA/USCINCCENT INTEL CEN MACDILL AFB FL  
 RUCQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL  
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 RUEALGX/DEFINTAGENCY WASH DC  
 RUEBNBA/HQ AFTAC-IN PATRICK AFB FL  
 RUEDADI/AFOSI IOC BOLLING AFB DC  
 RUEHC/SECSTATE WASHINGTON DC//INR//  
 RUEHIA/USIA WASHINGTON DC//R//  
 RUEHIA/USIA WASHINGTON DC//P/RLS/M/PT//  
 RUEKJCS/SECDEF WASHINGTON DC  
 RUENAAA/CNO WASHINGTON DC//922Y//  
 RUEOAYA/CDR NGIC CHARLOTTESVILLE VA  
 RUERNUL/CDR USACAC FT LEAVENWORTH KS//ATZL/SAS//  
 RUESDJ/FBIS OKINAWA JA  
 RUETIAV/FT GEO G MEADE MD//P-16//  
 RUETIAV/HQ AFIA FT GEO G MEADE MD//INII FOR BREWER//  
 RUETIAV/MPC FT GEO G MEADE MD  
 RUFGAID/USCINCEUR INTEL VAIHINGEN GE

RUFQBBB/SURVEY DIV SHAPE BE  
 RUFTAKC/UDITDUSAREUR HEIDELBERG GE  
 RULWIOC/STRATCOM INTEL OPSCTR OFFUTT AFB NE  
 RUWFOAA/NCCOSC RDTE DIV SAN DIEGO CA //017//  
 RUWSMXI/USCINTRANS INTEL CEN SCOTT AFB IL//J2-0/J2-J//  
 RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
 RUWTAEA/NAIC WRIGHT PATTERSON AFB OH//DXH//  
 ACCT FBID-EWDK

BT

CLAS UNCLAS 3Z/STV/MOSTV VIDEO

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WARNING: TOPIC: POLITICAL, ECONOMIC, DOMESTIC, INTERNATIONAL

SERI SERIAL: LD1009194997  
 PASS PASS: ATTN USIS MOSCOW  
 ATTN NATHANSON  
 COPY TO VED

COUN COUNTRY: RUSSIA  
 SUBJ SUBJ: TELEVISION PROGRAM SUMMARY 101700: MOS 97-5610

SOUR SOURCE: MOSCOW RUSSIAN PUBLIC TELEVISION FIRST CHANNEL NETWORK IN RUSSIAN 1700 GMT 10 SEP 97

TEXT TEXT:

["VREMYA" NEWSCAST, PRESENTED BY IGOR GMYZA; RECEPTION GOOD; FIGURES IN PARENTHESES INDICATE TIME IN MINS/SECS SINCE START OF PROGRAM]

[FBIS LOG]

APPROVED FOR RELEASE  
 DATE: APR 2000

## 1. (0040) HEADLINES.

2. (0120) A VEHICLE CARRYING OIL CONSTRUCTION WORKERS WAS BLOWN UP IN GROZNY; CHECHNYA TO GET A NEW CAPITAL. REPORT OVER ARCHIVE VIDEO.

3. (0440) PRESIDENTIAL SPOKESMAN YASTRZHEMSKIY ACKNOWLEDGES RUSSIAN GOVERNMENT'S INABILITY TO INFLUENCE CHECHNYA'S POSITION ON PUBLIC EXECUTIONS.

4. (0600) COMMENT OVER ARCHIVE VIDEO ON IMPLICATIONS OF INTRODUCING SHARI'AH LAW IN CHECHNYA IN THE LIGHT OF THE RECENT PUBLIC EXECUTIONS THERE.

5. (0910) LEGAL PROCEEDINGS INSTITUTED BY BOTH THE RUSSIAN AND CHECHEN PROSECUTORS OVER THE PAST FIVE YEARS AGAINST VARIOUS POLITICAL FIGURES ON EITHER SIDE, BLAMED FOR STARTING THE CHECHEN WAR, AND CHECHEN OPPOSITION FIGHTERS CHARGED WITH TERRORISM ARE STILL DRAGGING ON WITHOUT MUCH RESULT. REPORT OVER ARCHIVE VIDEO.

6. (1150) RUSSIAN GOVERNMENT ISSUED STATEMENT CONFIRMING ITS ADHERENCE TO THE RUSSIAN-CHECHEN POLITICAL DIALOGUE, BUT DENOUNCES ARSANOV'S ACCUSATIONS AGAINST THE RUSSIAN AUTHORITIES.

7. (1230) RUSSIAN DUMA ADOPTS DRAFT LAW ON TERRORISM AND ELECTS NEW DEPUTY SPEAKER. VIDEO REPORT SHOWING TODAY'S PROCEEDINGS IN THE DUMA.

8. (1620) NEWLY-ELECTED DEPUTY DUMA SPEAKER VLADIMIR RYZHKOV AND OTHER MEMBERS OF OUR HOME IS RUSSIA FACTION MEET THE PRESS AT THE RIA-NOVOSTI INFORMATION AGENCY'S HEADQUARTERS; COMMUNIST LEADER GENNADIY ZYUGANOV SAYS HIS FACTION APPROVES RYZHKOV'S APPOINTMENT. VIDEO REPORT.

9. (1900) YELTSIN'S SPOKESMAN YASTRZHEMSKIY BRIEFS JOURNALISTS ON THE RUSSIAN GOVERNMENT'S EFFORTS TO SECURE THE RELEASE OF ORT1 JOURNALIST PAVEL SHARAMET. COMMENT OVER VIDEO ON THE CURRENT STATE OF AFFAIRS.

10. (2230) A BUILDING UNDER CONSTRUCTION COLLAPSES IN MOSCOW. VIDEO REPORT, SHOWING THE WRECKAGE.

11. (2425) FOREIGN NEWS: ALBRIGHT ARRIVES IN JERUSALEM;  
\*INVESTIGATION CONTINUES INTO THE CIRCUMSTANCES OF PRINCESS DIANA'S DEATH.

12. (3110) COMMERCIALS.

13. (3320) SPORTS.

14. (3830) WEATHER.

(ENDALL) 101700 [REDACTED] 10/1949Z SEP WC 291

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\*\*\* Document 7 of 8 for FBSY \*\*\*

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 FM FM FBIS LONDON UK  
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 RHHJJPI/PACOM IDHS HONOLULU HI  
 RHHJRAP/USARPAC INTEL EFT SHAFTER HI//APIN//  
 RHHMUNA/USCINCPAC HONOLULU HI  
 RHRMDAB/COMUSNAVCENT//N2//  
 RUCBAIC/AIC NORFOLK VA  
 RUCJNAV/DEPCOMUSNAVCENT MACDILL AFB FL//N51D//  
 RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
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 RUCXONI/ONI WASHINGTON DC//2140//  
 RUDHSIC/CDRUSASOIC WASH DC//DIS//  
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 RUDMQAN/MARCORINTACT DET QUANTICO VA  
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 RUEBFGA/VOA WASHINGTON DC  
 RUEDADA/AFISA AMHS BOLLING AFB DC  
 RUEDADI/AFOSI IOC BOLLING AFB DC  
 RUEHC/SECSTATE WASHINGTON DC//EUR/WE//  
 RUEHC/SECSTATE WASHINGTON DC//INR//  
 RUEHIA/USIA WASHINGTON DC//R//  
 RUEHLO/AMEMBASSY LONDON UK  
 RUEHNM/AMEMBASSY NIAMEY  
 RUEHRB/AMEMBASSY RABAT  
 RUEHROM/MLO ROME IT  
 RUEHTU/AMEMBASSY TUNIS  
 RUEKJCS/SECDEF WASHINGTON DC  
 RUEOADA/609AIS SHAW AFB SC  
 RUEOBBA/USCENTAF SHAW AFB SC//A2//  
 RUESDA/FBIS ABIDJAN IV  
 RUESDI/FBIS NICOSIA CY  
 RUESDQ/FBIS TEL AVIV IS  
 RUETTAV/MPC FT GEO G MEADE MD

RUFBQBA/SURVEY DIV SHAPE BE  
 RUFTAKC/UDITDUSAREUR HEIDELBERG GE  
 RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
 ACCT FBID-EWDK

BT

CLAS UNCLAS 5D/APU/LIBY UNIT POL

WARN WARNING: ATTN TEL AVIV DFDF  
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WARNING: TOPIC: POLITICAL, DOMESTIC, INTERNATIONAL

SERI SERIAL: LD1409190497

COUN COUNTRY: LIBYA, UNITED KINGDOM

SUBJ SUBJ: LIBYA CRITICIZES UK REACTION TO STANCE ON DIANA'S DEATH

SOUR SOURCE: TRIPOLI JANA IN ARABIC 1630 GMT 14 SEP 97

TEXT TEXT:

[FBIS TRANSLATED TEXT] TRIPOLI, 14 SEP (JANA) -- THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL COOPERATION HAS RELEASED THE FOLLOWING STATEMENT: THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL COOPERATION DENOUNCES THE PHRASES OF THE BRITISH FOREIGN OFFICE'S MEMORANDUM WHICH TOTALLY LACK COURTESY AND ARE OUTSIDE THE NORMS OF INTERNATIONAL CONDUCT. THEY ARE REPREHENSIBLE, TOTALLY UNACCEPTABLE AND CLEARLY SHOW THAT THE BRITISH GOVERNMENT IS STILL BEHAVING IN A COLONIALIST WAY, DENYING PEOPLE'S RIGHT TO EXPRESS THEMSELVES LIKE IRELAND'S RIGHT TO UNIFICATION AND TURNING INDIA INTO A JEWEL IN THE BRITISH CROWN. THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL COOPERATION WONDERED WHETHER THE BRITISH FOREIGN OFFICE HAD IGNORED VARIOUS PRESS REPORTS ON EXPLICIT INDICATIONS THAT THIS TRAGIC \*ACCIDENT WAS ORCHESTRATED IN ORDER TO ELIMINATE PRINCESS DIANA AND HER COMPANION, IMAD AL-FAYED. THIS IS EVIDENCE THAT THE GREAT JAMAHIRIYAH IS NOT THE ONLY ONE TO CAST DOUBT ABOUT THIS APPALLING ACCIDENT. WHAT WE HAVE SAID HAS BEEN SAID, EVEN THOUGH NOT WORD FOR WORD. WE WILL NOT ALLOW ANYBODY TO SPEAK FOR US OR EXPRESS OUR FEELINGS ABOUT SUCH TRAGIC ACCIDENTS. THE ATTACKS BY THE BRITISH MEDIA AND PUBLIC OPINION AND BY PEOPLES OF THE WORLD, SHOCKED AND

APPROVED FOR RELEASE

DATE: APR 2000

SADDENED BY THE ACCIDENT; AND THE FUNERAL ORATION MADE BY THE PRINCESS'S BROTHER ARE AN EXPRESSION OF THESE DOUBTS. THE BRITISH GOVERNMENT DOES NOT HAVE THE RIGHT TO USE OUR STATEMENT AND FEELINGS AS A MEANS TO ATTACK THE GREAT JAMAHIRIYAH UNJUSTLY THROUGH A MEMORANDUM, THE TERMS OF WHICH LACK DECENCY. THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL COOPERATION CONCLUDED BY REITERATING THE GREAT JAMAHIRIYAH'S CONTINUOUS WISH TO IMPROVE ITS RELATIONS WITH THE BRITISH PEOPLE, WITHOUT BEING PREVENTED, BY THIS WISH, TO HAVE THE RIGHT TO EXPRESS ITS OPINION AND FEELINGS ABOUT A TRAGIC ACCIDENT WHICH HAS SHOCKED THE WHOLE WORLD AND LED TO A SERIES OF QUESTIONS ABOUT ITS REAL CIRCUMSTANCES AND CAUSES. IT WOULD HAVE BEEN BETTER FOR THE BRITISH GOVERNMENT TO STOP USING THE MOST BIZARRE EXCUSES IN ORDER TO UNDERMINE THE RELATIONS AND ESCALATE THE DISPUTE WITHOUT ANY JUSTIFICATION AND REGARDLESS OF THE RACIST PRACTICES OF THAT COUNTRY'S GOVERNMENT [SENTENCE AS RECEIVED].

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(ENDALL) 141630 [REDACTED] 14/1907Z SEP WC 360

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## Central Intelligence Agency



Washington, D.C. 20505

Inspector General  
703-874-2555

29 June 2000

*Lisa Prager*

The Honorable George J. Mitchell  
Verner Lipfert Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-2301

Dear Senator Mitchell:

I am in receipt of your letter dated 16 June 2000 in which you requested that information provided by Oswald LeWinter be considered in the review conducted by the Office of Inspector General concerning the automobile accident in which Lady Diana, Princess of Wales, and Dodi Fayed were killed.

My recent letter to you of 16 June 2000 noted that this office has concluded the review of Agency files for documents responsive to your request. Our review considered the information provided by you and by David Kendall in his letter of 14 April 2000 concerning LeWinter's allegation that a CIA officer was involved in the fraud against Mohamed Al Fayed. As I explained in my previous letter, we found no information that would shed light on the automobile accident or the deaths of Lady Diana and Dodi Fayed. Neither did we find any information that would substantiate the claims made by LeWinter concerning involvement of CIA employees in fabricating these fraudulent documents.

We understand that all of the information contained in your 16 June letter as well as David Kendall's letter of 14 April was known to the United States Attorney's Office for the District of Columbia for consideration during the course of their criminal investigation. Under the circumstances, I do not believe that it would be appropriate

The Honorable George J. Mitchell

for this office either to interview LeWinter or to offer advice to the U.S. Attorney's Office on the conduct of its investigation.

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(b)(6)

Sincerely,



L. Britt Snider

cc: David Kendall, Esq.  
Doug Marvin, Esq.  
U.S. Attorney's Office

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INQUIRE=DOC44D  
ITEM NO=00286944  
DTG 131518Z SEP 98  
FROM FM FBIS LONDON UK  
TO TO RUCWAAA/FBIS RESTON VA  
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RHFPAAB/UTAS RAMSTEIN AB GE//INOW//  
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RUEHIA/USIA WASHINGTON DC//R//  
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RUEHOL/AMEMBASSY BONN  
RUEHVI/AMEMBASSY VIENNA  
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RUFTRWA/USAFE AOS RAMSTEIN AB GE//IN//  
RUHBABA/CG III MEF//G-2//  
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RXFEAA/CINCSOUTH  
RXFPPSH/SHAPE BE//PIO//

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WARNING: ATTN VIENNA LEGATT  
ATTN WSPPO

WARNING: GENEVA: ARMS CONTROL

WARNING: TOPIC: LEADER, POLITICAL, INTERNATIONAL

SERIAL: LD1309151898  
BODY  
PASS: ATTN WIRE SELECT

COUNTRY: UNITED KINGDOM, FEDERAL REPUBLIC OF YUGOSLAVIA  
SUBJ: Ex-British Agent Tells Paper of Plan To Kill Milosevic

SOURCE: Paris AFP (Domestic Service) in French 0933 GMT 13 Sep 98  
TEXT:

FBIS Translated Text Geneva, 13 Sep (AFP) -- The former British secret agent Richard Tomlinson told the Swiss weekly, Info Dimanche, that in 1992-1993 MI6 envisaged killing serbian leader Milosevic by dazzling presumably the driver of his car with a flashlight in a road tunnel to cause a fatal "accident."

He considered the similarity between this plan, which was not carried out and the accident in which Princess Diana was killed in the Alma Bridge underground tunnel in Paris 31 August 1997 to be "strange."

Tomlinson, whose allegations are not taken very seriously by experts, is due to publish a book shortly. He repeated what he had already told British papers, that someone at the Ritz Hotel in Paris, perhaps Diana's driver, who was killed in the accident, was an agent of the British secret services.

The plan concerning Milosevic, who is now Yugoslav President, is reported to have been to dazzle the driver of his car, causing it to smash into the concrete wall of the Grand-Saconnex Tunnel, near Geneva Airport.

Tomlinson was arrested in Paris on 1 August last month, at the same time as another former British agent, from MI5, David Shayler, at the request of the British authorities, who suspected them of planning to reveal state secrets based on their experiences. Unlike his colleague, he was released.

Tomlinson, who was interviewed somewhere in Geneva after having been turned away by the United States on 31 August, said that this expulsion saved his life, otherwise he would have been returning to Europe on board Swissair flight 111, which crashed on 3 September, killing 229 people.

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ITEM NO=00639011  
DTG 011904Z SEP 97  
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TO TO RUCWAAA/FBIS RESTON VA  
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RHEGLLI/DOE LAWRENCE LIVERMORE LAB//L-389//  
RHEPAAB/ACCIS LANGLEY AFB VA//36IS//  
RHHJJAA/JICPAC HONOLULU HI  
RHHJJPI/PACOM IDHS HONOLULU HI  
RHHMUNA/USCINCPAC HONOLULU HI  
RUCBAIC/AIC NORFOLK VA//JIC//  
RUCBAIC/AIC NORFOLK VA  
RUCCFVY/CG MARRESFOR//G-2 OPS//  
RUCMACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
RUCXONI/ONI WASHINGTON DC//2140//  
RUDKMBK/FBIS LONDON UK//BBC RUCWAAA//  
RUDMQAN/MARCORINTACT DET QUANTICO VA//MCIA-12//  
RUDPMAX/FAISA FT BRAGG NC  
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RUDPWDC/DA AMHS WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
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RUEAIJU/NPIC WASHINGTON DC//IEG//  
RUEALGX/DEFINTAGENCY WASH DC  
RUEDADI/AFOSI IOC BOLLING AFB DC  
RUEHC/SECSTATE WASHINGTON DC//INR//  
RUEHIA/USIA WASHINGTON DC//P/RLS/M/PT//  
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RUENAAA/CNO WASHINGTON DC//922Y//  
RUEOAYA/CDR NGIC CHARLOTTESVILLE VA  
RUETIAV/FT GEO G MEADE MD//P-16//  
RUETIAV/HQ AFIA FT GEO G MEADE MD//INII FOR BREWER//  
RUETIAV/MPC FT GEO G MEADE MD  
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RUWTAEA/NAIC WRIGHT PATTERSON AFB OH  
RUWTAEA/NAIC WRIGHT PATTERSON AFB OH//DXH//  
CONTROLS  
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EXEMPTIONS: (b)(3)  
DATE: AUG 2001

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PAGE:0032

BODY

PASS: COPY TO VED

COUNTRY: FRANCE

SUBJ: TELEVISION PROGRAM SUMMARY 011800: PAR 97-238

SOURCE: PARIS FRANCE-2 TELEVISION NETWORK IN FRENCH 1800 GMT 1 SEP  
97

## TEXT:

NEWS; RECEPTION GOOD; FIGURES IN PARENTHESES INDICATE TIME IN  
MINS/SECS SINCE START OF PROGRAMFBIS LOG 1. (0046) PRINCESS DIANA'S DEATH: PRELIMINARY INQUIRY  
REVEALED THAT THE DRIVER OF THE PRINCESS AND DODI WAS DRUNK: PROGRAM  
SUMMARY.2. (0140) FRENCH DOCTOR, EYEWITNESS AT THE SCENE OF PRINCESS  
DIANA'S ACCIDENT GIVES ACCOUNT.

3. (0214) VIDEO REPORT ON THE EFFECT OF ALCOHOL ON DRIVING.

4. (0258) MOHAMED AL-FAYED TAKES CIVIL ACTION.5. (0326) PAPARAZZI WHO CHASED PRINCESS DIANA'S CAR STILL IN  
POLICE CUSTODY.6. (0439) GERMAN MAGAZINE PUBLISHES PHOTOS OF PRINCESS DIANA'S  
ACCIDENT.

7. (0452) TRIBUTES TO PRINCESS DIANA AT BRITISH EMBASSY IN PARIS.

8. (0521) VIDEO REPORT FROM LONDON ON TRIBUTES TO PRINCESS DIANA.

9. (0718) LIVE REPORT FROM LONDON ON THE PREPARATION OF PRINCESS  
DIANA'S FUNERAL.10. (0858) VIDEO REPORT ON THE ABBEY OF WESTMINSTER WHERE  
PRINCESS DIANA'S FUNERAL WILL TAKE PLACE.11. (1045) VIDEO REPORT FROM ALTHORP, PRINCESS DIANA'S FAMILY  
HOME.12. (1250) VIDEO REPORT ON PRINCESS DIANA'S IMPACT ON BRITISH  
MONARCHY AND SOCIETY.

13. (1522) VIDEO REPORTS ON THE MEDIA AND PRIVACY.

14. (2629) CAR SALES DOWN IN FRANCE: VIDEO REPORT.

15. (2823) FRENCH CHILDREN BACK TO SCHOOL THIS WEEK: VIDEO

UNCLASSIFIED

UNCLASSIFIED

PAGE:0033

REPORT.

16. (3015) NUMBER OF TOURISTS IN FRANCE UP THIS SUMMER: VIDEO  
REPORT.

UNCLASSIFIED

**Investigation Case Record****CaseNumber** 1998-0045-IG**Principal Investigator(s):** Assigned  
(Entered)  
04/13/1998**ReceivedDate:** 04/13/1998 **InvCompletedDate:** 06/08/1998 **ClosedDate:** 04/29/1998**CaseTitle:** Alleged Extortion; Violation of EO 12333

<b>Subject Name</b>	<b>SSN</b>	<b>Organization</b>	<b>Grade</b>
AL-FAYED, Mohammed		NON-AGENCY	

**WhereIncidentOccurred:** **Location:** **Component:** NON-AGENCY

<b>Source Name</b>	<b>Organization</b>
DIRECTOR OF SECURITY, HAR	

**CrossRef:** [#2000-6093-IG]**Keywords:** ASSASSINATION, EXTORTION; HARROD'S; MI6, British Intelligence**AllegationOrIssue**

It is alleged that the CIA was involved to a limited extent in assisting the British Intelligence Service in planning the reported assassination of Dodi Al-Fayed and Diana, Princess of Wales, in August 1997. [redacted]

-----  
Case reopened at the IG's request on April 6, 2000 under case number [2000-6093-IG].  
Assigned to [redacted] for name traces. An official response to Fayad's attorneys will be required. [redacted]

**CaseClosureJustification** Mohammed Al-Fayed is the owner of Harrod's Department Store in London. Al-Fayed's son, Dodi Fayed, and Diana, Princess of Wales, were killed in a car accident in Paris on August 31, 1997.

On April 13, 1998, [redacted] and [redacted] met with the following individuals at their request:

John MacNamara, Director of Security, Harrod's  
Paul Handley-Greaves, Chief of Al-Fayad's Personal Security Staff, Hyde Park Residence Limited  
Doug Marvin, Attorney for Mohammed Fayad  
Terrence O'Donnell, Attorney with Williams and Connolly law firm

[redacted]

MacNamara and Handley-Greaves are British citizens.

MacNamara reported that from late March 1998 to mid April 1998, he and Marvin had several telephonic conversations with Keith Fler, a well respected, credible entertainment lawyer in Los Angeles. Fler indicated that he had sensitive information to pass to Al-Fayad that he had obtained from an intermediary, George Williamson. Williamson is a former investigative reporter for a San Francisco newspaper.

MacNamara reported that, according to Fler, four alleged CIA employees reportedly had evidence indicating that the British Intelligence Service requested assistance from CIA when planning an alleged assassination of Dodi and Diana. The British Intelligence Officer reportedly met with a "CIA operative" and related that the Service was instructed, with the full knowledge of the Royal Palace, to eliminate Dodi. Subsequently, it was learned that Diana was pregnant and thus, the instructions were revised to include assassinating Diana because she was carrying Dodi's child. The British Intelligence Officer reportedly requested US assistance in providing the name of a contact for an assassination team. The story continues that the alleged CIA employee forwarded a "telex" to CIA HQS describing the nature of the conversation with the British Intel Officer and requesting HQS guidance. HQS reportedly responded that the [unknown] Station should not get involved in the matter but could refer the Brits to a contact in Switzerland for assistance with the assassination.

MacNamara reported that the four alleged CIA employees claimed to have in their possession the two telex messages, a signed certification from a doctor that Diana was pregnant at the time of the accident, and a CIA report of investigation of the matter.

MacNamara reported that Fler had said that the four alleged employees were asking for \$15M from Fayad in exchange for the docs. The alleged CIA employees proposed a series of meetings, perhaps three or four, in which documents would be exchanged for money. These meetings would be held in European cities (MacNamara refused to meet in a boat in international waters). At the first meeting, the initial telex would be exchanged for \$2M. The second meeting would include the exchange of the other telex and the doctor's certificate for \$2M. At the third meeting, \$11M would buy the CIA investigative report. At the very least, the four alleged CIA employees would require \$25K for travel and lodging before the first meeting.

No names of CIA employees were provided by Fler to MacNamara.

At the conclusion of the meeting on April 13, the group indicated that they would brief [redacted] FBI, the same day. CIA/OIG initiated a case based on a potential violation of E O 12333 regarding assassinations. The FBI opened a case of attempted extortion.

On April 15, 1998, the FBI notified [redacted] that a meeting with the

principals had been arranged in Austria for Wednesday, April 22. It was determined that two FBI agents, MacNamara, Handley-Greaves and a CIA/OIG Investigator would travel to Vienna. The role of the CIA in Austria was to determine whether the individuals were CIA employees and whether the documents were authentic.

DO SPIN, RH, and Privacy channel searches produced no record of any matter related to the allegation.

On April 22, 1998 in Vienna, Austria, MacNamara met twice with an individual identified as Oswald LeWinter. Both meetings occurred at the Ambassador Hotel. During the second meeting, LeWinter was arrested by the Austrian police for fraud, possession of false documents (interpol credentials) and threat of assault against MacNamara and Al-Fayad.

On April 23, 1998, the FBI agents and the CIA Investigator were invited by the Austrian police to review evidence seized during a search of LeWinter's hotel room. The alleged CIA documents were reviewed and determined to be fraudulent. LeWinter's personal papers contained information on one Karl Koecher.

On April 28, 1998, the FBI agents and the CIA/OIG Investigator met with Lisa Preger, AUSA. [REDACTED]

On April 29, 1998, OIG terminated interest in the case at OGC's request. An OGC attorney was briefed on the case. Audio tapes and transcripts of telephonic conversations between MacNamara and the suspects, which were provided to OIG by MacNamara, were loaned to OGC and will be returned to OIG.

On May 1, 1998, the OIG Investigator provided a briefing of the case to [REDACTED] EUR and the EUR [REDACTED] C/EUR and [REDACTED] EUR were unable to attend the briefing due to their attendance at a [REDACTED] conference in New York.

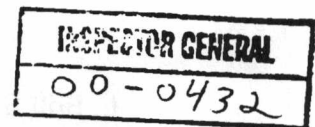
[REDACTED]

Update: July 1999: LeWinter is currently serving six years in an Austrian jail for his involvement in the attempted extortion. Mohammed Al-Fayad has filed suit against Fleer and Williamson for their roles in the attempted extortion.

Update: March 2000: On March 3, 2000, CIA General Counsel McNamara

and OGC employees [redacted] along with IG Britt Snider, met with attorneys representing Al-Fayad. At the conclusion of the meeting, the IG offered to conduct record checks based on info that will be supplied by Al-Fayad's attorneys. Al-Fayad's attorneys indicated that they believe that CIA has information that would shed light on the cause of the August 1997 car accident that killed Dodi Al-Fayad and Princess Diana.

2 MAY '00 PM4:02



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BERNHARD · McPHERSON & HAND  
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SENATOR GEORGE J. MITCHELL  
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April 25, 2000

L. Britt Snyder, Esq.  
Inspector General  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Snyder:

As you are aware, I wrote to the Director of Central Intelligence in September last year requesting that he initiate a formal enquiry into whether U.S. Intelligence Agencies possess information concerning the crash in Paris which killed Diana, Princess of Wales and Dodi Al Fayed (the son of my client, Mohamed Al Fayed). Mr. Tenet replied on 30 September 1999 and suggested a meeting with Robert McNamara, General Counsel CIA. I wrote to George Tenet again on 15 February 2000 voicing our concerns about a host of unanswered questions regarding the circumstances surrounding the crash as well as the treatment of Richard Tomlinson, a former British M16 agent, who sought to draw attention to methods considered and used by members of the British Intelligence community in the past which resemble the circumstances of the crash. The inaction by the FBI and Department of Justice in prosecuting those responsible for an attempted extortion against Mr. Al Fayed has only heightened our concerns.

Subsequently, as you will recall, on March 3, 2000 I met with Robert McNamara and yourself, together with David Kendall of Williams & Connolly and Douglas Marvin. To date, however, no satisfactory explanation to the concerns expressed in my February 15 letter have been received. Copies of the correspondence are attached for ease of reference. Circumstances concerning the attempted extortion are summarised in a confidential memorandum dated 16 March 2000 (copy attached) which was included in Requests for Information.

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L. Britt Snyder, Esq.  
April 25, 2000  
Page 2

In an attempt to advance criminal prosecutions against those involved in the attempted extortion of Mr. Al Fayed, the Director of Security for Mr. Al Fayed, John Macnamara, met Oswald Le Winter, together with his attorney at Wilhelmshöhe Prison, Austria, on 12 April 2000. Le Winter is serving a four year sentence of imprisonment for his part in the plot. The meeting with Le Winter lasted for two hours, during which he stated categorically that the forged documents were based on an e-mail that he had received from a CIA official stationed in Langley, Virginia. According to Le Winter, the content of that e-mail was passed to Pat McMillan, a CIA affiliated individual, who used the information in the e-mail to prepare documents so that they would appear to be genuine CIA documents. It was the copies of these documents that were recovered from Le Winter in Vienna. If true, this recent assertion by Le Winter indicates that an agency employee either committed a grave breach of security or knowingly involved himself in a fraud against Mr. Al Fayed, and is in direct conflict with the denials by the Agency that it does not possess any relevant documents or information concerning the deaths of Princess Diana and Dodi Al Fayed. The information provided by Le Winter in the presence of his lawyer warrants a thorough investigation.

Questions about the crash have been raised with the security agencies of other countries as well, specifically the British and French agencies. To date, those questions have been met with silence. That silence which presently prevails must eventually be broken either through the French Court of Appeal or Coroners inquests in England.

I would appreciate your early response and your assurance that you will personally undertake an enquiry into these grave allegations and keep me informed of its progress.

Sincerely,

  
George J. Mitchell

Enclosure

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EDWARD BENNETT WILLIAMS (1920-1988)  
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INSPECTOR GENERAL

2000-0395

1. APR 00 PM 1:00

## TELECOPY

TO: Robert M. McNamara, Jr., Esq.  
General Counsel

FIRM OR COMPANY: Central Intelligence Agency

TELECOPY NUMBER: (703) 482-1959

FROM: Paul C. Rauser, Esq.

TELEPHONE: (202) 434-5155

DATE: April 14, 2000

MATTER NUMBER:

NUMBER OF PAGES INCLUDING THIS PAGE: 2

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April 14, 2000

Robert M. McNamara, Jr., Esq.  
General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. McNamara:

As you know, we represent Mr. Mohamed Al Fayed, who seeks information concerning the death of his son in an August 31, 1997 automobile crash in Paris which also killed Diana, Princess of Wales, and Henri Paul, their driver. Oswald LeWinter, a key figure in the scheme to sell Mr. Al Fayed forged "CIA documents" relating to the crash, recently informed Mr. Al Fayed's Director of Security, John Macnamara, that the forgeries were based, at least in part, upon an e-mail LeWinter received from a CIA contact in Langley. LeWinter refused to divulge the identity of the contact. According to LeWinter, he shared the information from his contact's e-mail with a CIA-affiliated individual named Pat McMillan, who then forged the "CIA documents" subsequently offered to Mr. Al Fayed's representative in Vienna.

I hope that this information assists in your investigation of this matter. As always, please let me know if there is any further information I can provide.

Sincerely,



David E. Kendall

## The Director of Central Intelligence

Washington, D.C. 20505

30 September 1999

The Honorable George J. Mitchell  
Verner Liipfert Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-6279

Dear Senator Mitchell:

Thank you for your letters of September 2 and 15, 1999, suggesting I initiate a formal inquiry into whether US intelligence agencies possess information concerning the August 31, 1997, crash that killed the Princess of Wales and Dodi Fayed. I fully appreciate the heartache your client must feel over the sudden and tragic loss of his son, and I respect his sincere desire that all theories be investigated completely.

In response to your client's and other FOIA requests, the Agency searched its records for information on the crash and found a single Department of State document dated late 1998. This document was referred to the Department of State for review and direct release to Williams & Connolly. Beyond that single document, the Agency's search did not produce any information pertaining to the cause of the crash. I would hope the results of our search would bring some comfort to Mr. Al Fayed.

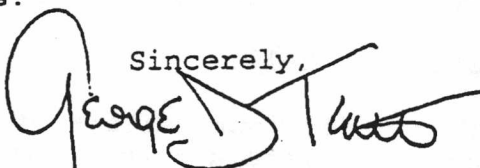
I am aware of media speculation that US intelligence agencies may have information that would shed light on the crash. Some stories even allege that CIA was somehow involved. The CIA has repeatedly said in response to media queries that the notion that CIA had anything to do with the deaths of the Princess of Wales and Dodi Fayed is absurd. Please be assured that this is the case. In light of the careful review of the records that has already taken place, I can tell you there is no information to suggest that any component of the US intelligence community either had any involvement in the tragedy, or has any information that would shed any light on the cause of the crash. Therefore, at this point, I do not believe that a formal inquiry would be a fruitful exercise for this case.

54 4

The Honorable George J. Mitchell

I encourage you to meet with my General Counsel, Robert McNamara, to discuss this matter further and at which time he can receive any documentary materials that you possess. His number is (703) 482-1951. If the additional documents you mention in your letter indicate a further review of these issues would be prudent, we will certainly undertake such an effort. I hope Mr. Al Fayed may soon gain some closure on his loss.

Sincerely,

A handwritten signature in dark ink, appearing to read "George J. Tenet". The signature is stylized, with a large "G" and "T".

George J. Tenet

SEP 23 '99 03:38PM CIA/OGC

OF - 11353-93

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September 15, 1999

Mr. George J. Tenet  
Director Central Intelligence  
Central Intelligence Agency  
Washington, D.C. 20505

Dear George:

On September 2, I wrote to you to request a formal inquiry to ascertain whether the U.S. intelligence community has any information relevant to the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. Since then, I have learned of an article in a recent magazine that suggests that the U.S. intelligence community may, indeed, have relevant information.

According to Gerald Posner, writing in the September issue of Talk Magazine, an "American law enforcement official and an American intelligence agent", learned that Henri Paul, the driver of the automobile in which the Princess and Dodi Fayed were riding, met earlier that evening with a French intelligence agent. For two years, the French investigating authorities have been investigating Henri Paul's whereabouts but, apparently, to no avail. There have been reports in the past that Henri Paul had connections with various intelligence agencies and that, at his death, he was found to have substantial sums in his bank account that cannot be explained by his salary or other known sources of income. The purpose of these contacts and any connection to the deaths remain open questions.

I do not know Mr. Posner, but I have no reason to believe that he has fabricated this story. (A copy of his article is enclosed.) If members of the U.S. intelligence agencies have information about Mr. Paul's connections to government agencies, or about his whereabouts that evening, a mechanism should be found to make that information available to appropriate authorities.

(55)

■ WASHINGTON, DC ■ HOUSTON ■ AUSTIN  
■ HONOLULU ■ LAS VEGAS ■ MCLEAN ■ MIAMI

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Mr. George J. Tenet  
September 15, 1999  
Page 2

The Henri Paul information, of course, is only an example of the type of information that could be within the knowledge of the U.S. intelligence community. Accordingly, I respectfully request that an inquiry be conducted to determine whether there exists any information known to the U.S. intelligence community that bears on the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. If this inquiry yields relevant information, I would then like the opportunity to work with you to investigate ways in which this information could be made available to the appropriate authorities.

Finally, I would welcome the opportunity to meet with you to discuss this matter further.

Sincerely,

  
George J. Mitchell

Enclosure

# the reporter

*"I cannot recover until I find out who did it."*

—Mohammed Al Fayed

## Al Fayed's Rage

The grieving father has some wild ideas about the deaths of Princess Di and Dodi. A bungled French probe will only fuel his fire. By **Gerald Posner**

**M**ohammed Al Fayed is sitting in a beige and green conference room in the fifth-floor executive offices of Harrods, the fabled London department store he bought in 1985 for a cool \$670 million. It is but one of his many assets. The 66-year-old Egyptian native counts among his treasures a 14th-century castle in the Scottish Highlands, stately apartment buildings lining London's Hyde Park, and a sprawling estate in St. Tropez. He owns the venerable satirical magazine *Punch*, the storied Fulham Football Club, and, along with his brother Ali, Turnbull & Asser, the elegant Jermyn Street shirtmaker. He commands a small fleet of private jets—the Executive Gulfstream IV is his favorite—boasts a sterling collection of vintage cars, and relaxes in the south of France on the *Sakara*, one of the world's most luxurious sailing yachts.

Al Fayed has not come to the conference room today to talk about what he has, but rather what he has lost, and why. "I have absolutely no doubt that my son and Diana were murdered," the tycoon declares, leaning across the large mahogany table, his surprisingly youthful face twisted with determination. Bedecked in a black tie "that I have worn every day since their death and will continue to wear until the murderers are caught," Al Fayed slams the polished top of the Queen Anne table with the palm of his hand. "I will not be stopped. They have picked on the wrong family! I know who they are."

It was two years ago this August that Dodi Fayed and Princess Diana were killed in a Paris car crash. The grieving father has grown impatient with the plodding pace of the French investigation piloted by Magistrate Hervé Stephan, who has largely stymied Al Fayed's own probe. Though Stephan's inquiry is expected to wrap up this summer with indictments of several paparazzi (for failing to aid the victims at the crash scene), Al Fayed is anxious to unleash a small investigative army to prove that what happened in the Pont de l'Alma underpass on the night of August 31, 1997, was anything but a simple auto accident.

"It has been absolutely frustrating," he says, thrusting his fist into the air. "To sit here when my body and soul want to do much more. If I lose the last penny I have, I will do everything I can. I won't let those responsible, those who are driven by cruelty, meanness, and racism, get away with the murders of two innocent people."

Suddenly Al Fayed leans back in his silk brocade chair and reaches for a framed drawing that rests under one of the room's arrangements of artificial flowers. He pushes the picture toward me. It is a child's drawing of Diana and Dodi, with an angel and a



dove floating above their heads. "This was just one thing sent to me by someone who knows I am right," he says proudly. "This is one of 3 million pieces of mail I have received since their deaths." His voice rises, his excitement reflected in his machine-gun delivery. "My website has had over 30 million visitors. A newspaper poll just showed that 25,000 people are with me, and only 1,500 voted against. The people are too smart; they know there is more to the death of Diana than they have been told."

## the reporter

Al Fayed does have plenty of company. In the two years since the crash, conspiracy theories about the deaths of Princess Di and Dodi have become a cottage industry. In the Middle East, books pinning the event on murderous anti-Arab sentiment began flooding the market soon after the bodies were buried; rumors there have Israel's Mossad carrying out a cold-blooded execution. Some 3,000 websites devoted to the princess have sprouted on the Internet, roughly half of which explore dark explanations for the couple's death. One site feverishly suggests that Di and Dodi were pawns in a struggle between the Rockefellers and the Rothschilds.

The tabloids have had a field day chronicling the exploits of an ex-British intelligence agent named Richard Tomlinson, who sees parallels between the crash and a plot he says MI6 (the British international intelligence agency) hatched to assassinate Serbian ruler Slobodan Milosevic. Tomlinson, who this spring caused a panic in England by publishing a list of MI6 agents on the Internet, has kept authorities on several continents hopping: He's been banned from Britain for violating the Official Secrets Act, booted out of France—and turned away last year in an attempted visit to the U.S.

Even the American court system has gotten in on the action. In 1998 Al Fayed was contacted by a Los Angeles entertainment lawyer representing supposed ex-CIA agents who had documents they claimed proved

cance. "God sent me Richard Tomlinson," he says. "I didn't seek him out. His conscience made him come to me."

AL FAYED'S THEORY GOES like this: On the night of the accident, MI6 agents set Di and Dodi's course. Following their dinner at the Ritz Hotel, Henri Paul, acting chief of security, was ordered to persuade the couple to retire to Dodi's apartment nearby. MI6 infiltrated the pack of photographers that trailed the luxury sedan carrying the couple along a Paris expressway. As the Mercedes rocketed toward the Pont de l'Alma underpass, a slow-moving Fiat Uno driven by one conspirator moved into position, obstructing the right lane. Two other plotters drove by on a motorbike, using a laser device to blind the driver, Paul, causing him to lose control of the car. The conspirators later swapped Paul's blood sample with someone else's, ensuring that lab tests showed an extremely high blood-alcohol level—thereby offering a plausible explanation for the crash.

Al Fayed's rhetoric soars to fantastic heights when naming the names he thinks are behind the scheme. "Prince Philip [Queen Elizabeth's husband] is the one responsible for giving the order. He is very racist. He is of German blood, and I'm sure he is a Nazi sympathizer. Also, Robert Felloes [the queen's private secretary and Diana's brother-in-law] was key. He is the Rasputin of the British monarchy."

I conducted my own investigation of the

In short, the French investigation leaves leads dangling and mysteries unanswered—encouraging Al Fayed and the faceless army of Internet detectives in their ongoing efforts to find purchase for their lush theories on the barren fields of fact.

NUTS-AND-BOLTS PROBLEMS with the police work were evident from the start. The scene was not completely sealed until Paris police chief Philippe Massoni arrived, almost an hour after the wreck. Before that, tourists and local passersby swarmed the scene, milled around the car, and took photos; some even grabbed pieces of the wreckage for souvenirs. No one took their names or confiscated their film and videotape.

Frédéric Mailliez, a 36-year-old doctor who was passing by the accident scene and who treated Diana until ambulances arrived, told me that he had simply returned to his car and left. No one questioned him, although if there had been a murder plot, he might have been the person sent to finish her off. The next day, after learning that his patient had been Diana and that she had died, Mailliez called the police. "Oh, we've been looking for you," a sheepish commissioner said.

Six paparazzi and one photo agency motorcycle driver were arrested that night, and three others soon turned themselves in. But the first police officers on the scene estimated that there had been 20 photographers, meaning half were never found. French au-



**I found considerable proof of sloppy work by police who seemed disinclined from the start to vigorously pursue their own probe of the deaths of Princess Di and Dodi.**

that Dodi and Di were murdered in a joint CIA-MI6 operation. When the Americans demanded \$15 million, the local police and the FBI set up a sting—which resulted in the conviction of one "agent," the flight of another, and an ongoing investigation by the U.S. Attorney's office in Washington.

But the circus atmosphere and the con men have not fazed Al Fayed. "I am convinced these people were connected to the CIA," he says. "The documents they tried to sell me were fraudulent, but it is possible that they were based on real documents that do exist." And he has resolutely stood by Tomlinson, even after some of his own advisers counseled Al Fayed to keep his dis-

French probe this spring and found no credible evidence whatsoever confirming Al Fayed's beliefs. But what I did discover will not, regrettably, close the case for Al Fayed and his fellow conspiracy theorists. I found considerable proof of sloppy work by police who seemed disinclined from the start to vigorously pursue their own probe. I discovered a failure to exercise fundamental control over the crime scene, allowing witnesses and photographs to slip through the French dragnet; lab work so shoddy as to expose a key player's blood to possible contamination; and evidence that intelligence agents were talking to Dodi's driver barely three hours before the crash.

thorities believe that they confiscated all the professional photos taken that night. Yet this past spring, surrounded by tight security in a clandestine location, I was shown low-resolution images of pictures taken of a dying Diana still trapped in the crumpled Mercedes. Those pictures show no firemen or police officers, so they were apparently snapped immediately after the accident. Diana, in tight close-ups, looks remarkably uninjured except for a gash over one eye. Her head is rolled back slightly to the left and her eyes are closed—probably to shut out the bright camera flashes popping only inches away. Those pictures were offered to me for \$2 million.

## the reporter

In chasing down one of the crash's most enduring mysteries, the cops may have stopped running too soon.

Nearly a dozen eyewitnesses told the French police that a Fiat Uno had been involved in the crash. There was physical evidence to buttress their claims, including traces of white paint and black rubber found on the Mercedes that could have matched paint and rubber from a Fiat Uno manufactured between 1983 and August 1987. Taillight glass found at the crash scene, as well as remains of a Fiat wing mirror, belonged to an Uno from the same period.

Within a few months police located a 1986 Uno owned by a 23-year-old Vietnamese immigrant, Le Van Thanh, who lives three miles from the tunnel. The car was originally white but had been repainted with a thin coat of red primer. Le gave conflicting statements about when and how the car had been repainted before finally admitting it had been done the day after Diana died.

out with the bumper and paint repair work.

Le did not return repeated phone calls; Monteil refused requests for an interview. (Al Fayed sought to have his own investigators examine Le's car, but Magistrate Stephan refused. Today Al Fayed thinks Le played no role—and believes the missing Fiat was built to order by the CIA for MI6.)

It's not uncommon for a major crash investigation to leave a few loose ends. But in this case, police attitudes may have played a part. Many detectives in the elite Criminal Brigade thought Diana had died in an overblown traffic accident not worthy of their investigative time and effort. One photographer brought to headquarters for an interview witnessed firsthand the officers' disdain. "They hated the job they were doing," he told me. "We aren't even being paid overtime," one said. Another spit at a photo of a Union Jack on the wall.

THE MEDICS WEREN'T DOING much better

gestion that Diana might have lived. But they have steadfastly refused to allow any of the physicians who treated her at the hospital to talk to the press, and have barred the release of any of Diana's medical records.

That is unfortunate, because doing so might clear up one of Al Fayed's most controversial theories. He strongly believes that Diana and his son were planning to marry—and that he might well have had a grandchild on the way. Al Fayed is not the only one who thinks Diana might have been pregnant. I have learned that someone from the British home secretary's office interrupted her autopsy with a phone call, ordering the pathologists to omit any mention of pregnancy in their final report. (British authorities adamantly deny this.)

Absent the French records—or better yet, the British autopsy, the results of which have also been withheld to date—it is impossible to know definitively whether Diana was pregnant. But one of her closest friends

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SENATOR GEORGE J. MITCHELL  
DIRECT DIAL: (202) 371-6155

September 2, 1999

Mr. George J. Tenet  
Director Central Intelligence  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Tenet:

This firm represents Mr. Mohamed Al Fayed, in whose behalf I write to call your attention to a number of news accounts that have suggested that various United States intelligence agencies possess information that may shed light on the deaths of Mr. Al Fayed's son Dodi Fayed, his companion Diana, Princess of Wales, and their driver, Henri Paul. Such information may be relevant to a French judicial inquiry into the deaths, as well as a coroner's inquest that will take place shortly in England.

While the U.S. intelligence community initially resisted all efforts to determine whether they possess relevant records, and if so, what those records reveal, in recent weeks the Secretary of Defense, realizing the importance of the inquiry, has offered to have all potentially relevant records from the intelligence agencies under his command reviewed by the Secretary's Chief of Staff. I ask for similar assistance from the CIA in determining whether the U.S. intelligence community in fact possesses information concerning the deaths, or concerning relevant events leading up to and/or subsequent to those deaths, and if it does, your help in ensuring that the information is provided to the French and British authorities investigating the matter, all of course in a manner consistent with this country's security interests.

There has been a great deal of attention devoted to the events on the night of August 31, 1997, when the automobile carrying Princess Diana and Dodi Fayed crashed into a pillar in the tunnel under the Place d'Alma in Paris, killing Diana, Dodi, and their driver. An official inquiry convened shortly after the crash under the direction of French *Juge d'instruction* Hervé Stephan continues to this day, with an inquiry by the English Royal Coroner to follow. Press attention to the details of the crash and possible explanations for it has been unrelenting. Nevertheless, in spite of the investigative work of both the authorities and journalists, numerous aspects of the crash remain unsolved: for example, a Fiat Uno that was reportedly in the Place d'Alma

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Mr. George J. Tenet  
September 2, 1999  
Page 2

tunnel at the time of the crash has never been located, and several "paparazzi" who were recorded on film that evening remain unidentified. As a result, the official investigation remains incomplete and investigative reporters continue to dig for answers.

Recently, a number of news stories in the United States and abroad have reported that United States intelligence services may have information concerning the crash. In response to a request from APB News under the Freedom of Information Act, the National Security Agency has confirmed that there are at least 1,056 pages held by the NSA, Central Intelligence Agency, State Department, Defense Intelligence Agency and perhaps other government agencies concerning the late Princess of Wales. Newspapers have also reported that United States intelligence agencies conducted surveillance on Princess Diana that may have continued until the day of her death; the December 10, 1998 Daily Mail, for example, reported that "secret checking [on] Diana's personal life is believed to have gone on until her death in Paris." There has been press speculation in this country as to what light U.S. intelligence records may shed on the crash and related events.

In an effort to end the speculation and determine what information, if any, the agencies actually possess, Mr. Al Fayed attempted to obtain the contents of relevant files, first through the Freedom of Information Act and, when it became apparent that any response would be delayed, through an application for court-ordered subpoenas. After considering Mr. Al Fayed's application, the U.S. District Court for the District of Columbia ordered on February 5, 1999 that a subpoena be issued to the CIA, returnable on February 12. Nevertheless, despite efforts by Mr. Al Fayed's attorneys to accommodate the government's legitimate concerns, the Agency has yet to produce a single document in response to the subpoenas. Matters thus stand exactly where they did in December of last year, with media speculation concerning the existence and contents of U.S. intelligence agencies' files but no response from the Agency either confirming or denying that it has relevant records in its possession.

My reasons for bringing this information to your attention are twofold. First, and most importantly, if American intelligence services - whether the CIA, DIA, NSA, or others - possess information bearing on the deaths of Dodi Fayed and the Princess of Wales, that information ought not to be withheld from the judicial inquiries into the crash, but rather ought to be released - redacted to protect intelligence sources and methods if necessary - to the French and British authorities, whether through Mr. Al Fayed, who has the right to present evidence in the French inquiry; or directly to *Premier Juge d'instruction* Stephan himself; or, when the English inquest has opened, to the coroner. Second, the frequency and breadth of news inquiries concerning the agency files - from the London *Times* to network morning news programs - make it

Mr. George J. Tenet  
September 2, 1999  
Page 3

perfectly clear that investigative reporters working on this story will continue to pursue it as long as there are unresolved questions about information U.S. intelligence agencies may have concerning the crash. I hope that you will agree that, given the attention to and importance of the matter, it is in the best interests of the U.S. intelligence community that if the agencies possess information concerning the crash which may be disclosed to the French and British authorities, without compromising United States security interests, it should be divulged. I therefore request that you initiate a formal inquiry into this matter to ensure that any relevant information known to the U.S. intelligence community that bears on the circumstances surrounding the deaths of the Princess and Dodi Fayed is made available, whether through Mr. Al Fayed or otherwise, to the French and British authorities.

I have a great deal of documentary materials that I would like to provide you, and I hope to have the opportunity to speak with you concerning this matter in the near future.

Sincerely,

  
George J. Mitchell

**Shocking Stolen US CIA Doc confirms DIANA MURDERED!**

Written by

JP Essene

Editor

What's HOT! in

5/23/98

This isn't a joke.

These are names you will be hearing alot about soon.

Sherman Skolnick of Chicago.

Oswald LeWinter ex ONI Officer (Office Naval Intelligence).

David Spedding head of the MI 6.

Skolnick is well known in conspiracy circles, the wheel chair bound proverbial flea on the elephant butt of government corruption, is well known for exposing Chicago area political intrigue.

He has a FAX from the camp of Dodi's father with the heading of the US CIA all over it. (For an in depth History of this document and how we came in possession of it click here)

The Document is dated June 17th 1997, three months before Diana died in France. An ex ONI (Office of Naval Intelligence) big wig, Oswald LeWinter, was arrested in Europe for having the stolen CIA documents and trying to sell them to John Macnamara the head of security for Mohammed Al Fayed the father of Dodi, according to the AP and UP wire services. The London Mirror had an in depth story of the arrest as well, and an exclusive interview with Mohammed Al Fayed confirming the document is AUTHENTIC.

What's in the TOP SECRET docs that have resulted in an ex ONI officer being arrested in Europe for STEALING it?

The Docs are a blue print for DIANA's MURDER.

It states that the duke of Edinburgh, Prince Phillip the husband of the Queen, wants the hit, since it is UNACCEPTABLE to the Palace that the mother of the future King of England be a common tramp of a Moslem camel trader.

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The top person in the MI6 (Brit equivalent to the CIA) is named, that's David Spedding.

The doc says, "The BLESSING of the Palace" is given to PERMANENTLY REMOVE the Dodi problem.

The Prime Minister of Britian is mentioned.

The Doc explains that Dodi's limo was stolen and then returned in Paris, and how a radio device was attached to control the limo later.

Oh, the US White House is named in the Doc as well.

Has the TRUTH of DIANA's MURDER been exposed by the father of Dodi?

The TRUTH is that THE CIA and MI6 on orders from the Queen of England, KILLED Diana by a remote radio controlled device to interrupt the steering and control the speed of the limo.

Even the missing FIAT whose paint was found on the wreck, is mentioned in the Doc from the CIA.

The FIAT rammed the limo and then the radio control device took control of the car.

More BIZARRE, is the fact we've been reporting since the death of Diana how a Philadelphia mystic put the complete details of Diana's death in a US Fed case in 1996.

The case is 96CV 1499 in the US Fed court system in Philly.

He stated in his May 13th 1995 Prophecy.

Death to Goddess of the Moon (Diana)

Death in France

MURDER on the 31st

Remember 831 (the day she died)

He sued the US gov over Nukes. He warned in his case, he was giving exact details of future events to show the US gov they must OBEY his NO NUKE Edict.

He also GUARANTEED the trip and fall of the US President in the same Diana Death Document.

He even named where the Una Bomber would be arrested almost one year later!

Better yet, he gave details how school shootings will appear on two lines of Tragedy in the US.

So far, 6 school shootings have occurred on the EXACT LINES he

gave in the DIANA DEATH Prophecy. They happen to cross and intersect in Hope Arkansas where Clinton was born.

Yes, 3 shootings are on one Perfectly Straight Line. The other 3 are on another Perfectly Straight Line. EXACTLY as he said the Slaughter of the Innocent would occur in the Diana Death Prophecy. It's even been mentioned in the Washington Post.

In another PROPHECY in his case, he listed where all the recent US Plane crashes such as TWA 800 and ValuJet 592 would occur!

So, a PROPHET says Diana would be MURDERED in France on the 31st exactly on 831. Then it occurs.

He says GET RID OF NUKES or there is NO FUTURE.

Is anyone LISTENING....

This isn't a joke...

The Prophets site <http://www.whatshotin.com/Sollog>

Diana Article about Sollog's Prophecy

Washington Post Article about Sollog

Clinton Injury Article about the Prophecy

TWA 800 Prophecy Article

CHAT here about THE SHOOTINGS and Diana.

JP Essene

Editor What's Hot

LOTR

PS.

Jeff Rense recently interviewed Sherman Skolnick on his show Sightings on the Radio , he is the first US journalist to bring attention of this story to the US Media. We are the first US media group to publish the STOLEN CIA DOCUMENT! Hear the Skolnick Interview HERE. (Skip to the third hour to hear about Diana.)

We will be posting a link to the show for you to hear the interview.

Text format of Doc is here. Text of CIA Doc

## The History of the Stolen CIA Document!

Written by

JP Essene

Editor

Thee Under Ground Net

5/25/98

Editors Note: See the First Diana - CIA Article if you're coming into our site on this page.

### Article

What a busy 72 hours this has been.

So much for my Memorial Day vacation.

On Friday night Jeff Rense a well respected and intelligent US Radio talk show host interviewed Sherman Skolnick of Chicago.

Jeff is the host of Sightings on the Radio, [www.sightings.com](http://www.sightings.com)

Sherman is well known in conspiracy circles and has a cult following for his writings known as Conspiracy Nation. He is the head of a Chicago area group that is known for exposing corruption of Chicago Judges.

Sherman stated to Jeff, that his group had in their possession a stolen CIA document that was FAXED from the father of Dodi Al Fayed to them.

The 8 points in the FAX were discussed in depth by Jeff and Sherman. Jeff specifically asked, "Did you get the FAX from Mohammed Al Fayed?", and Sherman replied my associate did.

Jeff Rense was immediately contacted by me and I asked to see this ground shaking FAX.

It is posted below, at the end of this article.

I interviewed Sherman on May 24th, he explained to me an associate sent him the document. He said it was Kevin Warren who happens to run a Diana web site.

I've tried to contact Kevin but have not reached him by email or phone yet. (See Editors note below)

I strongly suspect that Kevin misrepresented to Mr. Skolnick how he obtained the Document. I don't believe ex London Yarder John Macnamara, the chief of security for Al Fayed, would have faxed it

to him. I have contacted both Al Fayed and Macnamara over this matter and will post their reply when I get it.

In investigating Kevin Warren I found out he stated in a news group that he got the document from THE DIANA PAPERS.

That term, THE DIANA PAPERS, was used in a May 14th London Mirror article about how THEY OBTAINED the STOLEN DOCUMENT from Mr. Al Fayed. They are most likely the original source of the document that was sent to Mr. Skolnick by Kevin Warren.

(Editors Note: We've obtained from the London Mirror their original article which is posted below. Plus Mr. Warren has stated Mr. Skolnick didn't understand how he got the documents from the UK paper.)

In April, it was reported by many wire services such as AP and UPI, that a person was arrested in Vienna for trying to sell stolen CIA Documents to Mr. Al Fayed for 10 Million pounds.

Since that time, the name of the person has been revealed to be Oswald LeWinter, an ex CIA/ONI officer.

The London Mirror article states, the person is Oswald LeWinter and that the Document in their article is the Stolen CIA Document.

In investigating this story I uncovered some interesting things about the document and it's authenticity.

Two little known names from the UK appear in the document. One is David Spedding the head of MI6, a Brit Intelligence group, and the other is Ken Etheridge. The fact that Spedding is the head of the Brit equal to the CIA isn't very well known. Out of Millions of docs on the www, under 12 state this fact.

Lesser known, (one doc out of millions on the www) is that Ken Etheridge was involved in the investigation of Al Fayed over 10 years ago for buying favors from the Members of the House of Parliament.

I suspected the document might be an attempt to discredit Buckingham Palace by Al Fayed, when I first found out who Ken Etheridge is.

However, if the document was an elaborate hoax coming from the Al Fayed camp, the arrest of Oswald LeWinter as reported by the AP and UPI wouldn't be explainable.

But then again, Oswald LeWinter is a well known person in the

Disinformation game played by the CIA.

Another interesting rumor is that Al Fayed either controls or owns the London Mirror.

So, contrary to statements by Mr. Skolnick that the document was faxed to his associate Kevin Warren from Al Fayed or Macnamara, the source is the London Mirror. A source that may be controlled by Al Fayed.

On May 26th in a second phone interview with Mr. Skolnick, he admitted his associate most likely got the document from the London Mirror.

So, these are **authenticating FACTS about the stolen Document**.

1. Wire services such as the AP and UPI have run stories about a person from the US being arrested in Vienna, by US agents of the FBI, for trying to sell stolen CIA documents to Al Fayed. The London Mirror identified this person recently as Oswald LeWinter.

Question: Was the arrest real or orchestrated?

If the FBI did arrest Oswald LeWinter for having stolen CIA documents about a DIANA Plot as reported, then the document is authentic and Buckingham Palace is implicated in a DIANA MURDER Plot, as is the Israeli and US Government.

However, since LeWinter is a well known Disinformation agent, what we might be seeing here is an in house CIA fight over information about the Diana Death, and an attempt by a split faction within US intelligence circles to take down the ruling factions of Government in England, Israel and the US.

2. Mohammed Al Fayed did do an exclusive article with the London Mirror recently. He gave them the stolen CIA document according to the Mirror, which is the document on our site.

Question: Did the document get altered to target the Palace and other Al Fayed enemies by Al Fayed, who has had well known problems with the Palace over his famous ownership of Harrods?

Well, if the document hasn't been altered by Al Fayed, and the US officials prosecute Oswald LeWinter for stealing the document, then it is authentic.

What is known about the document after 72 hours of our hearing of it is this:

It appeared in a London Mirror article and is said to have come from Al Fayed via a person arrested by the FBI in Vienna for having stolen CIA documents, who is an ex CIA/ONI officer.

We are authenticating the London Mirror article's claims with the offices of Mohammed Al Fayed and John Macnamara.

The Death of Diana just got elevated to the biggest story of the 20th Century.

The House of Windsor and the Clinton Administration can fall with this one document....

Is this the attempt by a renegade CIA Faction to push us one step closer to that ONE WORLD GOVERNMENT...

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**TELECOPY**

TO: Robert M. McNamara, Jr., Esq.  
FIRM OR COMPANY: Central Intelligence Agency  
TELECOPY NUMBER: 703-482-1959

FROM: David E. Kendall  
TELEPHONE: 202-434-5145  
DATE: February 24, 2000  
MATTER NUMBER:  
NUMBER OF PAGES INCLUDING THIS PAGE: 6

IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION,  
PLEASE CALL (202) 434-5608 IMMEDIATELY. THANK YOU.

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(b) (6)

February 24, 2000

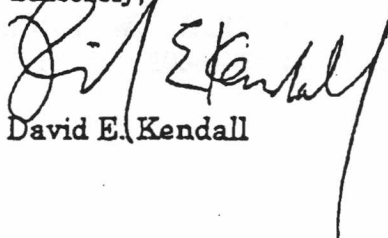
BY FACSIMILE (703 482-1959) AND FIRST CLASS MAILRobert M. McNamara, Jr., Esq.  
General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Dear Mr. McNamara:

This will confirm my telephone conversation with your office this morning. I represent Mr. Mohamad Al Fayed. I and other counsel for Mr. Al Fayed, former Senator George J. Mitchell, and Douglas Marvin, Esq., look forward to a meeting with you in your office at 11:00 a.m. on Friday, March 3, 2000. (My SSN is [REDACTED] Senator Mitchell's is [REDACTED] and Doug's is [REDACTED]) I enclose, FYI, a copy of Senator Mitchell's February 15<sup>th</sup> letter to the Director.

We thank you for your courtesy, and look forward to seeing you in person.

Sincerely,

  
David E. Kendall

DEK/jcv

Enclosure

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February 15, 2000

Mr. George J. Tenet  
Director Central Intelligence  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Tenet:

As you will recall, last Autumn I wrote seeking your assistance in determining whether the U.S. intelligence community possesses any information relevant to the circumstances surrounding the deaths of my client's son, Dodi Fayed, and his companion, Diana, Princess of Wales.

I recognize that there are sometimes loose ends concerning such a tragedy. But, in this instance, there are many significant questions that remain unanswered. There is, of course, the missing white Fiat Uno. It has been widely reported that the car in which Dodi Fayed and Princess Diana were riding collided with a white Fiat Uno in the tunnel that night. Although the French police reportedly checked on every white Fiat Uno in France, that car has never been found. There were also eyewitness accounts of another car and a motorcycle speeding away from the tunnel after the crash but neither has been located. Individuals observed staking out the Princess and Dodi Fayed that evening have never been identified. These are some of the questions that remain open.

On September 30 you indicated that, based on a review of the records, the CIA had no information that would shed any light on the cause of the crash. I may not have been sufficiently clear in my request. There is reason to believe that U.S. intelligence agencies (including the CIA) have information pertaining to various matters that relate - albeit indirectly - to the subject. Such information may not, in your opinion, point directly to the cause of the crash. But it may, nevertheless, be most helpful in furthering an investigation. Let me give you a few examples:

- At various times during her lifetime, the movements of Princess Diana were monitored by various intelligence agencies. While no agency had admitted to monitoring Princess Diana on the day of her death, there has

Mr. George J. Tenet  
February 15, 2000  
Page 2

been much speculation that she would have been under surveillance by some agency. If this is correct, it is likely that a U.S. intelligence agency would know of it. This would be an important piece of information.

- As noted in my earlier letter, a reputable reporter has written that "an American law enforcement official and an American intelligence agent" learned that Henri Paul, the driver of the automobile, met earlier that evening with a French intelligence agent. For two years, the French authorities have been investigating Henri Paul's whereabouts to no avail. There have been reports in the past that Henri Paul had connections with various intelligence agencies and that, at his death, he was found to have substantial sums in his bank account that cannot be explained by his salary or other sources of income. If members of the U.S. intelligence community have information about Henri Paul's connections to government agencies, or about his whereabouts that evening, a mechanism should be found to make that information available to appropriate authorities.

- There is the highly unusual treatment of Richard Tomlinson, a former operative of a British intelligence service who traveled to New York to appear on NBC's "Today" show. Mr. Tomlinson intended to discuss the similarity between an M16 plan to assassinate Slobodan Milosevic by means of a car crash in a tunnel and what actually happened to Princess Diana and Mr. Fayed in the Pont de l'Alma tunnel.

According to Mr. Tomlinson, when he arrived in New York to appear on the "Today" show, he was arrested at JFK, chained to a chair, humiliated and refused entry. He was even threatened with being flown to England, rather than back to Switzerland from whence he had come. Someone wanted to stop Mr. Tomlinson from appearing on NBC - and did. Nominally, the INS was the agency refusing him entry. But who and what agency asked the INS to act in this fashion? Were American authorities tipped off by their counterparts in the U.K. and asked to stop Mr. Tomlinson from speaking? Did U.S. authorities cooperate to stifle Tomlinson and, if so, why? It seems likely that the CIA has information on this extraordinary event.

- Two years ago, several individuals, at least two of whom claimed an affiliation with the CIA, sought to sell for millions of dollars what they represented were CIA documents indicating that the deaths of Dodi Fayed and Princess Diana were the product of an assassination planned and

Mr. George J. Tenet  
February 15, 2000  
Page 3

procured by members of a British intelligence service. Mr. Al Fayed brought the matter to the attention of the CIA and the FBI. Both the Bureau and the Agency took this matter very seriously and dispatched teams to Vienna to assist in capturing the culprits. One of the individuals, who claimed to be a CIA agent, was arrested by Austrian authorities and was quickly convicted and imprisoned. Another, the Czech spy, Karl Koecher, fled Austria. Koecher had penetrated the CIA once before, working in The Agency's Soviet division. Arrested in 1984, Koecher was exchanged for the imprisoned Russian dissident, Anatoli Scharansky, and returned to Czechoslovakia.

Because the conspirators were offering to sell what purported to be classified CIA information and were soliciting payment for *future* bribery of CIA employees to procure additional documentary evidence describing the involvement of intelligence agencies in the "assassination," it seemed reasonable to expect that this matter would receive the highest priority.

Yet the FBI and the Justice Department have behaved in a manner that appears to be contrary to their normal procedures. Although three of the suspects were in the United States, no search warrants were sought or obtained. This permitted the suspects, knowing of the arrest in Vienna, to destroy any incriminating documents they may have possessed and to purge their computers. The FBI agents who had been involved in the Austrian arrest were taken off the case. The new agents gave tape recordings of the suspects' conversations to defense lawyers. Despite the constant prodding of Mr. Al Fayed's attorneys, almost two years has gone by during which the U.S. Attorney has apparently done nothing.

These actions inevitably raise the question: has the Justice Department received instructions from someone to make this case go away? It seems unlikely that the CIA would not know about this, since its purported records and agents were involved.

I realize that the Agency has conducted a review under the Freedom of Information Act for documents that might relate to the circumstances surrounding the deaths of Dodi Fayed and Princess Diana. But, with all respect, a FOIA search would be unlikely to turn up any information relevant to the matters outlined above. Information bearing on these matters would not be expected to be filed under "Dodi Fayed" or "Princess Diana."

Mr. George J. Tenet  
February 15, 2000  
Page 4

For this reason, I have requested an inquiry. Only an inquiry, where questions are asked and answers demanded, can produce the relevant information. The inquiry need not be formal. It could be carried out by either the General Counsel's Office or the Inspector General's Office. To this end, I would like to take you up on your earlier offer of a meeting with your General Counsel, Robert McNamera. Please let him know that David Kendall will be calling him to arrange an appointment. Thank you.

Sincerely,

  
George J. Mitchell

copy

## Central Intelligence Agency



Washington, D.C. 20505

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00-0343

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Office Of General Counsel

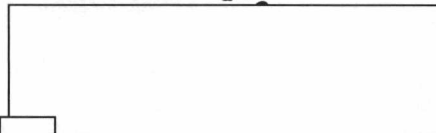
30 March 2000

The Honorable George J. Mitchell  
Verner-Liipfert  
Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-2301

Dear Senator Mitchell:

We are in receipt of your 16 March 2000 letter and enclosure. As was agreed to at our recent meeting, we are forwarding these materials to the CIA Inspector General for his review.

Sincerely,



John A. Rizzo  
Senior Deputy General Counsel

cc: Douglas Marvin  
David Kendall

(25)

The Honorable George J. Mitchell

DCI/OGC/FO/JRizzo: [redacted] 30Mar00 [redacted]

OGC FO-2000-50099

Distribution:

Original - Addressee

1 - Douglas Marvin

1 - David Kendall

1 - IG w/encl

1 - [redacted] w/encl

1 - OGC Reg w/encl

VERNER LIPFERT  
BERNHARD McPHERSON & HAND  
CHARTERED

RECEIVED

BY: .....

901 - 15TH STREET, N.W.  
WASHINGTON, D.C. 20005-2301  
(202) 371-6000  
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SENATOR GEORGE J. MITCHELL  
DIRECT DIAL: (202) 371-6186

March 16, 2000

Robert M. McNamara, Jr.  
General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. McNamara:

Thank you for meeting with me, Doug Marvin, and David Kendall on March 3, 2000. As you know, our law firm represents Mr. Mohamed Al Fayed who is seeking information concerning the death of his son in an August 31, 1997 automobile crash in Paris which also killed Diana, Princess of Wales, and Henri Paul, their driver.

We are grateful for any assistance you can provide. In the past, as you know, we have sought to apprise the Central Intelligence Agency of activity which appeared to us a possible compromise of agency interest.

Enclosed herewith is a memorandum prepared by Williams & Connolly providing background information concerning this request. Included therein is a list of areas in which the agency may have responsive information and also a list of persons whose names might be relevant to this inquiry.

Again, thank you for your courtesy in meeting with us.

Sincerely,

  
George J. Mitchell

Enclosure

cc: Doug Marvin  
David Kendall

■ WASHINGTON, DC ■ HOUSTON ■ AUSTIN  
■ HONOLULU ■ LAS VEGAS ■ MCLEAN ■ MIAMI

**CONFIDENTIAL MEMORANDUM**

March 16, 2000

**THE DEATH OF MR. EMAD ("DODI") FAYED****I. Background.****A. The Scheme to Sell "CIA Documents" to Mr. Al Fayed**

As the Agency is aware, Mr. Al Fayed was a victim of a scheme to sell (apparently fraudulent) classified intelligence materials to Mohamed Al Fayed, father of Dodi Fayed. On March 24, 1998, Mr. Al Fayed's representative in Washington (Douglas R. Marvin) was contacted by Keith Fler, a prominent Los Angeles entertainment lawyer. Fler stated that he had been approached by reliable individuals with credible information that the deaths of Dodi Fayed and Princess Diana were not accidental but in fact were the product of a carefully planned assassination. Fler indicated that his immediate contact was one George Williamson, an investigative reporter who had achieved national prominence for his role in reporting on the "Keating Five" story. According to Fler, Williamson had connections with CIA sources who had been reliable in the past. Those CIA employees, Fler indicated, would be prepared to disclose their information concerning the deaths of Dodi Fayed and the Princess, provided that Mr. Al-Fayed would provide them with the financial security and wherewithal to "take measures to protect themselves." According to Fler, the CIA employees indicated that they would refuse to testify in any manner but could provide authentic and sufficiently detailed documentary evidence to prove the involvement of British intelligence in the assassination plot.

In light of the alleged involvement of CIA employees and the offer of alleged CIA documents, Mr. Al Fayed instructed that this matter be brought to the attention of the CIA and FBI. Following extensive negotiations between John Macnamara, who is an employee of Mr. Al Fayed, and Fler (with Macnamara operating in coordination with the FBI and pursuant to supervision by the U.S. Attorney's office), Mr. Al Fayed agreed to provide \$25,000 in travel money so that Mr. Al Fayed's representatives and the "principals" (allegedly former and serving CIA operatives) could meet in a European country to arrange for the authentication and subsequent sale of the CIA documents to Mr. Al Fayed. Macnamara wired the \$25,000 to Garland & Loman, a New Mexico company, and was informed that the meeting was to take place in Vienna, Austria. Fler passed on instructions that Macnamara should arrange to have the \$15 million purchase price for the documents deposited in an anonymous, bearer Austrian passbook account.

On Monday, April 20, Macnamara flew to Vienna (where he joined CIA representatives and FBI agents) and eventually received two telephone calls from an unknown individual on his mobile phone discussing the mechanics of the document exchange and setting a meeting for April 22, 2:00 p.m. at the Hotel Ambassador, 1010 Vienna, Neuer Markt 5. At approximately 2:30 p.m., a man (Oswald LeWinter) approached Macnamara and identified

himself as an ex-CIA agent who was in Vienna with six CIA and Mossad agents to deal with "the business." The man provided a telephone number and requested Macnamara to call him there under the name George Mearah at 5:00 p.m. Vienna secret police working with Macnamara traced the telephone number to the Hotel Stadt Bamberg, where they confirmed that the hotel had as a guest an American named Oswald LeWinter who matched Mearah's description. Macnamara and the U.S. and Austrian officials who were working with him also became aware that LeWinter's rooms were rented and frequented by Karl Koecher, a former CIA operative and convicted Czech spy who had been exchanged thirteen years ago in a spy swap with the East.

By arrangement, Macnamara again met with LeWinter at the Ambassador Hotel. LeWinter was taken into custody at that meeting by Austrian law enforcement officials, but Koecher and another purported CIA official evaded capture. LeWinter indicated upon arrest that six other CIA and Mossad agents were in Vienna and would retaliate for his arrest by murdering Macnamara and Mr. Al Fayed. LeWinter's hotel room was searched, and among the papers seized were an airmail pouch addressed "U.S. Government Property, Return to Commander USA FAC, Indianapolis IN 46249, and a multiple-use U.S. government messenger envelope with the last noted addressee "U.K. liaison." Inside this envelope were two telexes and a Domestic Intelligence Information Report that appeared on their face to originate within the CIA.

Following LeWinter's arrest, the documents found in his room were declared by U.S. Government authorities to be forgeries. In a prison interview, however, LeWinter stated that the forgeries accurately reflected the substantive contents of original documents that could not be obtained. He identified one "Pat Macmillan," an individual who apparently has extensive intelligence community contacts, as the person who masterminded the fraud scheme and who could divulge more information about the materials' real source.

**B. Information from Former MI6 Agent Richard Tomlinson.**

Richard Tomlinson, a former agent with the British intelligence agency MI6, has given a sworn affidavit (copy attached) stating that certain circumstances of the August 31, 1997 car crash in which Dodi Fayed and Diana were killed were remarkably similar to a plan formulated by British intelligence to assassinate Yugoslav President Slobodan Milosovic. According to Tomlinson, the plan involved ramming the target's automobile with a specially weighted car in a confined space, causing it to crash, after the driver had been temporarily blinded by a strobe flash. While Tomlinson's information may appear farfetched, authorities discovered paint chips from a white Fiat automobile on the wrecked Mercedes driven by Henri Paul. Despite a massive search, the authorities have yet to find that car.

Tomlinson traveled from Switzerland to New York following his meeting with Judge Stephan in Paris, for the purpose of appearing as a scheduled guest on NBC's Today Show. However, he was physically removed from the aircraft on arrival at New York, detained and interrogated while handcuffed to a chair. He was then immediately deported back to Switzerland having been refused entry to the United States. Questions remain as to what exchange occurred between MI6 and the U.S. law enforcement or intelligence services prior to Tomlinson's arrival in the United States, who ordered the confrontation at the airport, and what reason was given for these actions. Tomlinson's affidavit states: "The US Immigration Officers

– who were all openly sympathetic to my situation and apologised for treating me so badly – openly admitted that they were acting under instructions from the CIA.”

C. Intelligence Agency Surveillance.

31 Finally, a number of news stories both in the United States and abroad have reported that United States intelligence services may possess information relevant to the August 21, 1997 crash. In response to a request from APB News under the Freedom of Information Act, the National Security Agency has confirmed that there are at least 1,056 pages held by the NSA, Central Intelligence Agency, State Department, Defense Intelligence Agency, and perhaps other government agencies concerning the late Princess of Wales. Newspapers have reported that these documents may represent the results of surveillance performed by United States intelligence agencies at the request of the British government.

We understand that at least some of the United States intelligence agencies have denied that Princess Diana was a surveillance target. We also understand that there has already been some review to determine if any of the documents unearthed for the APB News FOIA request (and others) bear on the August 31, 1997 accident. We believe it is possible, however, that relevant information could have been gathered in the course of intelligence collection activities that were not directed at Princess Diana but in the ordinary course of intelligence activity – possible records on Henri Paul, driver of the crashed car and a sometime paid informant for the French intelligence services, for instance. Questions persist as to what prior knowledge the security services had of Diana's presence in Paris and the nature of the surveillance of Diana and Dodi during the period of two months prior to the crash.

II. Requests for Information.

While we do not know what materials may be in the possession of the Agency, we believe that the Agency is likely to have information in several categories. Therefore, we would ask that in addition to the general search for materials that may be relevant to the crash and to the fraud scheme directed against Mr. Al Fayed, a particular effort be made to inquire about the following matters. We appreciate that a review of files has been conducted for the purpose of responding to requests under the Freedom of Information Act. We do not mean to imply that such a review would be cursory. However, a review of indices in reply to a FOIA request is very different from an inquiry where questions are asked and answers given.

- CIA analysis and investigation of the fraud scheme.

We assume that because the fraud directed against Mr. Al Fayed involved purported “CIA documents” and personnel, and because CIA personnel were involved in the investigation of the fraud and, ultimately, in the “sting” operation against Oswald LeWinter, the Agency must possess a thorough investigative record concerning the matter. We would appreciate a meeting to discuss these matters.

- Information concerning Karel Koecher.

According to published accounts, Koecher, a Czech immigrant who came to the United States in the 1970s, apparently worked for the CIA for a number of years before he was

unmasked as a Czech spy and subsequently swapped with the East in 1985 for dissident Natan Schransky. As a former CIA employee and, subsequently, a discovered spy, we would expect there to be a sizable dossier on Koecher and, possibly, ongoing surveillance. (Mr. John MacNamara met with Koecher in London and the videotape of the ensuing conversation was provided to the FBI).

- **Information concerning Richard Tomlinson.**

Tomlinson, a former MI6 agent who achieved notoriety earlier this year when his name was linked to the release over the Internet of a list of purported MI6 agents, has given an affidavit stating that the deaths of Dodi Fayed and Diana resembled British plans to assassinate Yugoslav President Slobodan Milosovic (*see supra*). Information concerning Tomlinson that would tend either to corroborate or undermine his story would be relevant to this inquiry.

- **Information concerning interception of Princess Diana's communications.**

Numerous credible news accounts have suggested that Princess Diana's telephone conversations were intercepted electronically, possibly through the so-called "Echelon" system. At least one respected reporter, Gerald Posner, has indicated that he has heard tapes of some of Diana's conversations. Any information gathered about attempts to monitor the movements of Princess Diana or about the crash or its cause would be relevant.

- **Information concerning Henri Paul.**

News accounts have suggested that M. Paul, a Ritz Hotel employee and driver of the automobile in which Dodi Fayed and Princess Diana were killed, regularly provided information as a paid informant to one or more French intelligence services and, according to Tomlinson, to British intelligence services as well. While this has not been corroborated, over one million francs were discovered in Paul's bank account, a significant and unexplained sum of money suggesting that he had a source of income outside of his modest salary from the Ritz hotel. M. Paul may have provided others with information concerning Dodi and Diana during their stay at the Ritz Hotel and any such information as well as any information about Paul's contacts with security agencies would be relevant.

- **Information concerning the crash.**

Any information gathered about the crash, about events leading up to the crash and about any monitoring of the movements of Princess Diana would be relevant.

### III. Watch List.

Finally, an individual reviewing this matter should be alert for references to the following individuals:

Diana, Princess of Wales – News accounts have suggested that British intelligence, with assistance from other intelligence services, including U.S. agencies, monitored the telephone communications of Princess Diana and may have performed other surveillance as well. Princess Diana also telephoned regularly with others who could have been targets of intelligence collection activities.

Emad "Dodi" Fayed – Dodi Fayed, son of Mohamed Al Fayed, was killed in the August 31, 1997 crash under the Place d'Alma. Information already obtained indicates that high-level members of the British royal household, including Prince Philip, were displeased that Dodi Fayed had begun a relationship with Princess Diana and may have taken action accordingly, possibly including surveillance of Diana and/or Dodi.

Lionel Cherruault – Cherruault is a journalist in London who was offered photographs of events at the Alma Tunnel prior to and at the time of the crash. His house was reportedly burglarized during the early hours of the morning of September 1, 1997 when all of his electronic equipment and computer data were stolen. He was led to believe by British law enforcement agents investigating the break-in that British intelligence agencies were responsible.

Keith Fleeer – Fleeer, a Los Angeles entertainment lawyer, offered to sell "CIA documents" concerning the deaths of Dodi Fayed and Diana to Mohamed Al Fayed (*see supra*).

Major James Hewitt – Hewitt previously had an affair with Diana, Princess of Wales and is said to have received threats.

Roland Joffe – Joffe is a film producer in the United States who stated that he had information prior to the Paris crash that Dodi would be killed.

Frank Klein – Klein is President of the Ritz Hotel.

Karl (a/k/a Karel) Koecher – Koecher, a Czech national, was involved in a plot to sell "CIA documents" concerning the deaths of Dodi Fayed and Diana to Mohamed Al Fayed (*see supra*).

Le Van Tranh – Owner of suspect Fiat Uno.

Nick Langman – Langman is an M16 agent who was allegedly sent to the British Embassy in Paris two weeks before the crash and removed soon after 31 August 1997.

Dominique Lecomte – Pathologist who has offered professional opinions concerning the alcohol and carbon monoxide levels in Henri Paul's blood.

Gaby Leon (phonetic) – Leon has been identified by Oswald LeWinter (*see infra*) as a former agent with the Argentine secret service and an individual with knowledge of "CIA documents" that allegedly concern the deaths of Dodi Fayed and Princess Diana.

Oswald LeWinter (a/k/a George Mearah) – LeWinter, currently incarcerated in Austria for his part in the attempt to sell Mohamed Al Fayed "CIA documents" allegedly relating

to the death of his son, was a key player in that scheme (*see supra*). LeWinter has told Mr. Al Fayed's representative that he was a CIA operative from 1973 to as late as 1985.

Barry Mannake – Mannake was a member of the protective service, responsible for security for Princess Diana, who died in a crash.

Pat MacMillan (a/k/a McMillan) – LeWinter has stated that MacMillan, address 1916 East Mesquite Avenue, Las Vegas, Nevada, was involved in the plot to sell "CIA documents" concerning the deaths of Dodi Fayed and Diana to Mohamed Al Fayed (*see supra*). MacMillan has been identified by at least one individual as the ringleader of that scheme, and is believed to have extensive contacts in the United States intelligence community, including the CIA.

Henri Paul – Driver of the automobile carrying Dodi Fayed and Princess Diana; killed in the crash.

Gilbert Pepin – He is a toxicologist who worked with LeComte, *supra*.

Jacques Pottier – Pottier, believed to be living in France, is reportedly an expert on the preparation of automobiles for clandestine operations and is believed to have a working knowledge of those who use and require such automobiles. Pottier has given indications that he may possess information relevant to a white Fiat whose paint chips were found on the wrecked Mercedes driven by Henri Paul. The Fiat has not been found.

Pottier was recently interviewed by a reputable British journalist. He said that he had test driven three cars (a Fiat Uno, another medium sized car, a Mercedes Benz) and a motorcycle through the Alma Tunnel but claimed to have done this subsequent to the crash. There is no plausible explanation as to why Pottier would conduct this exercise after the crash, nor could he explain who financed the operation and provided the vehicles. Pottier is a car thief and professional photographer. His inclusion in TOP SECRET classified documents held by NSA is inexplicable.

Trevor Rees-Jones – Rees-Jones is a former bodyguard who survived the crash.

Claude Roullet – Claude Roullet is Assistant Manager of the Ritz Hotel.

Richard Spearman – Spearman is a M16 agent sent to the British Embassy in Paris soon after the crash who allegedly organized disinformation to be given to British and French press.

Richard Tomlinson – Tomlinson, a former MI6 agent who achieved notoriety earlier this year when his name was linked to the release over the Internet of a list of MI6 agents operating in foreign countries, has given an affidavit stating that the deaths of Dodi Fayed and Diana resembled British plans to assassinate Yugoslav President Slobodan Milosovic (*see supra*).

Linda Tumulty – Tumulty is named by LeWinter as having been involved with George Williamson (*see supra*) in liaising with Keith Fleer concerning the forged CIA documents.

Kes Wingfield – Wingfield is a bodyguard employed with Trevor Rees-Jones to protect the Princess and Dodi Fayed.

IV. Supplemental Watch List.

In the course of a review, the following additional names, dates, and places are also of importance:

August 31, 1997 – Date of crash.

Fiat Uno – Auto at scene of crash and now missing.

Pitie-Salpetriere Hospital – Hospital where Diana was taken after the crash.

Place d'Alma – Alma Tunnel underpass and site of crash.

Ritz Hotel, Paris – Departure point on night of crash.

I, Richard John Charles Tawilston, former MI6 officer, of Geneva, Switzerland  
hereby declare:

1. I firmly believe that there exist documents held by the British Secret Intelligence Service (MI6) that would yield important new evidence into the causes and circumstances leading to the deaths of the Princess of Wales, Mr Dodi Al Fayed, and M. Henri Paul in Paris in August 1997.

2. I was employed by MI6 between September 1991 and April 1995. During that time, I saw various documents that I believe would provide new evidence and new leads into the investigation into those deaths. I also heard various rumours - which though I was not able to see supporting documents - I am confident were based on solid fact.

3. In 1992, I was working in the Eastern European Directorate of MI6 and I was peripherally involved in a large and complicated operation to smuggle advanced Soviet weaponry out of the then disintegrating and disorganised remnants of the Soviet Union. During 1992, I spent several days reading the substantial files on this operation. These files contain a wide miscellany of contact names, telegrams, intelligence reports, photographs etc, from which it was possible to build up a detailed understanding of the operation. The operation involved a large number of officers and agents of MI6. On more than one occasion, meetings between various figures in the operation took place at the Ritz Hotel, Place de Vendôme, Paris. There were in the file several intelligence reports on these meetings, which had been written by one of the MI6 officers based in Paris at the time (identified

I, Richard John Charles Tomlinson, former MI6 officer, of Geneva, Switzerland

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(3)

in the Ritz Hotel, who again was identified in the files only by a code number. The MI6 officer paid the informant in cash for his information. I became curious to learn more about the identity of this particular informant, because his number cropped up several times and he seemed to have extremely good access to the goings on in the Ritz Hotel. I therefore ordered this informant's personal file from MI6's central file registry. When I read this new file, I was not at all surprised to learn that the informant was a security officer of the Ritz Hotel. Intelligence services always target the security officer's of important hotels because they have such good access to intelligence. I remember, however, being mildly surprised that the nationality of this informant was French, and this stuck in my memory, because it is rare that MI6 succeeds in recruiting a French informer. I cannot claim that I remember from this reading of the file that the name of this person was Henri Paul, but I have no doubt with the benefit of hindsight that this was he. Although I did not subsequently come across Henri Paul again during my time in MI6, I am confident that the relationship between he and MI6 would have continued until his death, because MI6 would never willingly relinquish control over such a well placed informant. I am sure that the personal file of Henri Paul will therefore contain notes of meetings between him and his MI6 controlling officer right up until the point of his death. I firmly believe that these files will contain evidence of crucial importance to the circumstances and causes of the incident that killed M. Paul, together with the Princess of Wales and Dodi Al Fayed.

4. The most senior undeclared officer in the local MI6 station would normally control an informant of M. Paul's usefulness and seniority. Officers declared to the local counter-intelligence service (in this case the Directorate de Surveillance Territoriale, or DST) would not be used to control such an informant, because it might lead to

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the identity of the informant becoming known to the local intelligence services. In Paris at the time of M. Paul's death, there were two relatively experienced but undeclared MI6 officers. The first was Mr Nicholas John Andrew LANGMAN, born 1960. The second was Mr Richard David SPEARMAN, again born in 1960. I firmly believe that either one or both of these officers will be well acquainted with M Paul, and most probably also met M. Paul shortly before his death. I believe that either or both of these officers will have knowledge that will be of crucial importance in establishing the sequence of events leading up to the deaths of M. Paul, Dodi Al Fayed and the Princess of Wales. Mr Spearman in particular was an extremely well connected and influential officer, because he had been, prior to his appointment in Paris, the personal secretary to the Chief of MI6 Mr David SPEDDING. As such, he would have been privy to even the most confidential of MI6 operations. I believe that there may well be significance in the fact that Mr Spearman was posted to Paris in the month immediately before the deaths.

5. Later in 1992, as the civil war in the former Yugoslavia became increasingly topical, I started to work primarily on operations in Serbia. During this time, I became acquainted with Dr Nicholas Bernard Frank FISHWICK, born 1958, the MI6 officer who at the time was in charge of planning Balkan operations. During one meeting with Dr Fishwick, he casually showed to me a three-page document that on closer inspection turned out to be an outline plan to assassinate the Serbian leader President Slobodan Milosevic. The plan was fully typed, and attached to a yellow "minute board", signifying that this was a formal and accountable document. It will therefore still be in existence. Fishwick had annotated that the document be circulated to the following senior MI6 officers: Maurice KENDRICK-PIERCEY, then head of Balkan operations, John RIDDE, then the

(5)

security officer for Balkan operations, the SAS liaison officer to MI6 (designation MODA/SO, but I have forgotten his name), the head of the Eastern European Controlierate (then Richard FLETCHER) and finally Alan PETTY, the personal secretary to the then Chief of MI6, Colin McCOLL. This plan contained a political justification for the assassination of Milosevic, followed by three outline proposals on how to achieve this objective. I firmly believe that the third of these scenarios contained information that could be useful in establishing the causes of death of Henri Paul, the Princess of Wales, and Dodi Al Fayed. This third scenario suggested that Milosevic could be assassinated by causing his personal limousine to crash. Dr Fishwick proposed to arrange the crash in a tunnel, because the proximity of concrete close to the road would ensure that the crash would be sufficiently violent to cause death or serious injury, and would also reduce the possibility that there might be independent, casual witnesses. Dr Fishwick suggested that one way to cause the crash might be to disorientate the chauffeur using a strobe flash gun, a device which is occasionally deployed by special forces to, for example, disorientate helicopter pilots or terrorists, and about which MI6 officers are briefed about during their training. In short, this scenario bore remarkable similarities to the circumstances and witness accounts of the crash that killed the Princess of Wales, Dodi Al Fayed, and Henri Paul. I firmly believe that this document should be yielded by MI6 to the Judge investigating these deaths, and would provide further leads that he could follow.

6. During my service in MI6, I also learnt unofficially and second-hand something of the links between MI6 and the Royal Household. MI6 are frequently and routinely asked by the Royal Household (usually via the Foreign Office) to provide intelligence on potential threats to members of the Royal Family whilst on overseas

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trips. This service would frequently extend to asking friendly intelligence services (such as the CIA) to place members of the Royal Family under discrete surveillance, ostensibly for their own protection. This was particularly the case for the Princess of Wales, who often insisted on doing without overt personal protection, even on overseas trips. Although contact between MI6 and the Royal Household was officially only via the Foreign Office, I learnt while in MI6 that there was unofficial direct contact between certain senior and influential MI6 officers and senior members of the Royal Household. I did not see any official papers on this subject, but I am confident that the information is correct. I firmly believe that MI6 documents would yield substantial leads on the nature of their links with the Royal Household, and would yield vital information about MI6 surveillance on the Princess of Wales in the days leading to her death.

7. I also learnt while in MI6 that one of the "paparazzi" photographers who routinely followed the Princess of Wales was a member of "UKN", a small corps of part-time MI6 agents who provide miscellaneous services to MI6 such as surveillance and photography expertise. I do not know the identity of this photographer, or whether he was one of the photographers present at the time of the fatal incident. However, I am confident that examination of UKN records would yield the identity of this photographer, and would enable the inquest to eliminate or further investigate that potential line of enquiry.
8. On Friday August 28 1998, I gave much of this information to Judge Hervé Stephan, the French investigative Judge in charge of the inquest into the accident. The lengths which MI6, the CIA and the DST have taken to deter me giving this

(7)

evidence and subsequently to stop me talking about it, suggests that they have something to hide.

9. On Friday 31 July 1998, shortly before my appointment with Judge Hervé Stephan, the DST arrested me in my Paris hotel room. Although I have no record of violent conduct I was arrested with such ferocity and at gunpoint that I received a broken rib. I was taken to the headquarters of the DST, and interrogated for 38 hours. Despite my repeated requests, I was never given any justification for the arrest and was not shown the arrest warrant. Even though I was released without charge, the DST confiscated from me my laptop computer and Psion organiser. They illegally gave these to MI6 who took them back to the UK. They were not returned for six months, which is illegal and caused me great inconvenience and financial cost.

10. On Friday 7th August 1998 I boarded a Qantas flight at Auckland International airport, New Zealand, for a flight to Sydney, Australia where I was due to give a television interview to the Australian Channel Nine television company. I was in my seat, awaiting take off, when an official boarded the plane and told me to get off. At the airbridge, he told me that the airline had received a fax "from Canberra" saying that there was a problem with my travel papers. I immediately asked to see the fax, but I was told that "it was not possible". I believe that this is because it didn't exist. This action was a ploy to keep me in New Zealand so that the New Zealand police could take further action against me. I had been back in my Auckland hotel room for about half an hour when the New Zealand police and NZSIS, the New Zealand Secret Intelligence Service, raided me. After being detained and searched for about three hours, they eventually confiscated from me

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all my remaining computer equipment that the French DST had not succeeded in taking from me. Again, I didn't get some of these items back until six months later.

11. Moreover, shortly after I had given this evidence to Judge Stephan, I was invited to talk about this evidence in a live television interview on America's NBC television channel. I flew from Geneva to JFK airport on Sunday 30 August to give the interview in New York on the following Monday morning. Shortly after arrival at John F Kennedy airport, the captain of the Swiss Air flight told all passengers to return to their seats. Four US Immigration authority officers entered the plane, came straight to my seat, asked for my passport as identity, and then frogmarched me off the plane. I was taken to the immigration detention centre, photographed, fingerprinted, manacled by my ankle to a chair for seven hours, served with deportation papers (exhibit 1) and then returned on the next available plane to Geneva. I was not allowed to make any telephone calls to the representatives of NBC awaiting me in the airport. The US Immigration Officers - who were all openly sympathetic to my situation and apologised for treating me so badly - openly admitted that they were acting under instructions from the CIA.

12. In January of this year, I booked a chalet in the village of Samoens in the French Alps for a ten day snowboarding holiday with my parents. I picked up my parents from Geneva airport in a hire car on the evening of January 8, and set off for the French border. At the French customs post, our car was stopped and I was detained. Four officers from the DST held me for four hours. At the end of this interview, I was served with the deportation papers below (exhibit 2), and ordered to return to Switzerland. Note that in the papers, my supposed destination has been changed from "Chamonix" to "Samoens". This is because when first questioned by

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a junior DST officer. I told him that my destination was "Chamonix". When a senior officer arrived an hour or so later, he crossed out the word and changed it to "Samocns", without ever even asking or confirming this with me. I believe this is because MI6 had told them of my true destination, having learnt the information through surveillance on my parent's telephone in the UK. My banning from France is entirely illegal under European law. I have a British passport and am entitled to travel freely within the European Union. MI6 have "done a deal" with the DST to have me banned, and have not used any recognised legal mechanism to deny my rights to freedom of travel. I believe that the DST and MI6 have banned me from France because they wanted to prevent me from giving further evidence to Judge Stephan's inquest, which at the time I was planning to do.

13. Whatever MI6's role in the events leading to the death of the Princess of Wales, Dodi Al Fayed and Henri Paul, I am absolutely certain that there is substantial evidence in their files that would provide crucial evidence in establishing the exact causes of this tragedy. I believe that they have gone to considerable lengths to obstruct the course of justice by interfering with my freedom of speech and travel, and this in my view confirms my belief that they have something to hide. I believe that the protection given to MI6 files under the Official Secrets Act should be set aside in the public interest in uncovering once and for all the truth behind these dramatic and historically momentous events.

SWORN at )  
 this day of )  
 1998, before me:- )

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~~ADMINISTRATIVE - INTERNAL USE ONLY~~

(b) (3)

From the Desk of Britt Snider  
Inspector General

NOTE FOR: 

**FROM:** Britt Snider  
**OFFICE:** OIG  
**DATE:** 05/12/2000 10:23:30 AM  
**SUBJECT:** Call from Senator Mitchell

Senator Mitchell called me this morning to inquire into the status of our response to his letter. I told him that I appreciated we owed him a response, that we had done some searches and had not come up with anything, but that we had more work left to do. I told him I hoped to be in a position to respond to his letter in two weeks.

He thanked me and said he looked forward to our reply.

CC: 

Sent on 12 May 2000 at 10:23:30 AM

41

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

15

H6-1

## Central Intelligence Agency



Washington, D.C. 20505

(b) (3)  
(b) (6)Inspector General  
703-874-2555IG 2000-0609  
16 June 2000

The Honorable George J. Mitchell  
Verner Liipfert Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-2301

Dear Senator Mitchell:

Subsequent to discussions with you, David Kendall, Doug Marvin, and representatives of the Central Intelligence Agency on 3 March 2000, the Office of Inspector General (OIG) undertook a review of Agency files in response to your request for information regarding the deaths of Lady Diana, Princess of Wales, and Dodi Fayed. The review considered the list of names and data points described in your letter to the CIA's General Counsel dated 16 March 2000. The search for responsive documents was conducted independently of previous reviews carried out by other Agency components in response to Freedom of Information Act (FOIA) requests by representatives of Mohamed Al Fayed's family, other private citizens, and the media.

OIG's review of Agency files yielded no information shedding any light on the automobile accident or deaths of Lady Diana and Dodi Fayed.

I am aware that numerous media articles published since 1998 have claimed that CIA and other U.S. Government agencies compiled hundreds of documents consisting of more than 1,000 pages of information regarding the Princess of Wales. Those reports were apparently based on a statement made by the National Security Agency in response to an FOIA request. This office found no information that would lend credibility to the media reports.

Sincerely,

A rectangular box used to redact the signature of the official.

L. Britt Snider

cc: David Kendall, Esq.  
Doug Marvin, Esq.

(32)

16

B1-1

The Honorable George J. Mitchell

[redacted] (13 June 2000)  
[redacted] Diana/Corresp/Mitchell Kendall Marvin letter.doc

Distribution:

Original - Addressees

1 - [redacted]

1 - [redacted]

1 - [redacted]

(5/13)

David E. Kendall and Douglas Martin  
Williams & Connolly  
725 Jewelers Street, NW  
Washington DC 20005-5901

## Central Intelligence Agency



Washington, D.C. 20505

(b) (3)  
(b) (6)Inspector General  
703-874-2555IG 2000-0675  
29 June 2000

The Honorable George J. Mitchell  
Verner Liipfert Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-2301

Dear Senator Mitchell:

I am in receipt of your letter dated 16 June 2000 in which you requested that information provided by Oswald LeWinter be considered in the review conducted by the Office of Inspector General concerning the automobile accident in which Lady Diana, Princess of Wales, and Dodi Fayed were killed.

My recent letter to you of 16 June 2000 noted that this office has concluded the review of Agency files for documents responsive to your request. Our review considered the information provided by you and by David Kendall in his letter of 14 April 2000 concerning LeWinter's allegation that a CIA officer was involved in the fraud against Mohamed Al Fayed. As I explained in my previous letter, we found no information that would shed light on the automobile accident or the deaths of Lady Diana and Dodi Fayed. Neither did we find any information that would substantiate the claims made by LeWinter concerning involvement of CIA employees in fabricating these fraudulent documents.

We understand that all of the information contained in your 16 June letter as well as David Kendall's letter of 14 April was known to the United States Attorney's Office for the District of Columbia for consideration during the course of their criminal investigation. Under the circumstances, I do not believe that it would be appropriate

43

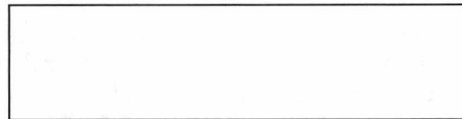
17

H8-1

The Honorable George J. Mitchell

for this office either to interview LeWinter or to offer  
advice to the U.S. Attorney's Office on the conduct of its  
investigation.

Sincerely,



L. Britt Snider

cc: David Kendall, Esq.  
Doug Marvin, Esq.  
U.S. Attorney's Office

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

(b) (3)

From the Desk of Britt Snider  
Inspector General

NOTE FOR:   
FROM: Britt Snider  
OFFICE: OIG  
DATE: 03/02/2000 08:06:10 AM  
SUBJECT: Meeting tomorrow

I'm invited to a meeting tomorrow at 11:00 in the General Counsel's office with former Senator George Mitchell and two others representing Dodi El-Fayed (sp?). They apparently want to resurrect the episode that you were involved in a couple years ago. I mentioned it to  yesterday and he thought you were the best person to deal with this.

I need you to brief me again on what happened either later this afternoon or before the meeting tomorrow morning. I would also like you to go to the meeting with me unless I find there is some limitation on attendance. Let me know if this is a problem.

CC:  
Sent on 2 March 2000 at 08:06:10 AM


45

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

18

~~ADMINISTRATIVE~~ INTERNAL USE ONLY

(b) (3)

TO:   
FROM: Britt Snider  
OFFICE: OIG  
DATE: 03/02/2000 11:01:53 AM  
SUBJECT:  Re: Meeting tomorrow

I just talked to John Rizzo who said that they are basically doing this as a courtesy to Senator Mitchell and plan to be in a listening mode rather than explaining what we did before. McNamara, in fact, does not want to get into a dialogue. So John does not think you need to be there. They want me there because I happen to know Senator Mitchell, and if they convey any information that is new, I'll hear it firsthand.

I still need you to remind me what transpired here, which we can do later this afternoon.

CC:  
Sent on 2 March 2000 at 11:01:53 AM

44

~~ADMINISTRATIVE~~ - INTERNAL USE ONLY

19

047

~~WORKING PAPER - ADMINISTRATIVE - INTERNAL USE ONLY - DELIBERATIVE DOCUMENT~~

For: THE DIRECTOR

From: OFFICE OF PUBLIC AFFAIRS

CONTACTS WITH THE MEDIA ON WEDNESDAY, 30 AUGUST 2000

MEDIA REP	AGENCY CONTACT	QUERY	COMMENT
More than 25 print and broadcast journalists who cover intelligence and national security issues	Mr. Harlow Mr. Mansfield <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	What is CIA's response to Mohammed al-Fayed's FOIA lawsuit to obtain any documents the CIA may have concerning the late Princess Diana and Dodi al-Fayed?	Decline to comment on the specifics of the lawsuit, given that it has not yet been filed and we thus have not had an opportunity to review it. That said, we understand Mr. al-Fayed's grief and tremendous sense of loss, but any suggestion that the CIA spied on Dodi Fayed or Princess Diana, that we have knowledge of any plot to murder them, or had anything to do with the tragic accident which led to their deaths is totally unfounded.

(b) (3)

~~WORKING PAPER - ADMINISTRATIVE - INTERNAL USE ONLY - DELIBERATIVE DOCUMENT~~

~~WORKING PAPER~~ - ~~ADMINISTRATIVE~~ - ~~INTERNAL USE ONLY~~ - ~~DELIBERATIVE DOCUMENT~~

For: THE DIRECTOR

From: OFFICE OF PUBLIC AFFAIRS

CONTACTS WITH THE MEDIA ON TUESDAY, 29 AUGUST 2000

MEDIA REP

AGENCY CONTACT QUERY

COMMENT

	Mr. Mansfield	Understand that Mohamed al-Fayed plans to file a suit against CIA in connection with the deaths of his son Dodi and Princess Diana. Any comment?	Decline to comment, given that the lawsuit has not yet been filed and we thus have not had an opportunity to review it. Wish to emphasize, though, that the notion that CIA had anything to do with this tragic accident is ludicrous.

NR

(b) (6)

~~WORKING PAPER~~ - ~~ADMINISTRATIVE~~ - ~~INTERNAL USE ONLY~~ - ~~DELIBERATIVE DOCUMENT~~

August 28, 2000

~~WORKING PAPER - ADMINISTRATIVE - INTERNAL USE ONLY - DELIBERATIVE DOCUMENT~~

NR

	<p>Do you have any comment on the suit which is being filed by Mohammed al-Fayed?</p> <p>It would be inappropriate for us to comment on any matter which may be in litigation. That said, I would be happy to repeat what we have said with respect to the tragic accident which killed his son and Princess Diana - which is that the notion that the CIA had anything whatsoever to do with this is absolutely absurd.</p>

(b) (3)  
(b) (6)

NR

~~WORKING PAPER - ADMINISTRATIVE - INTERNAL USE ONLY - DELIBERATIVE DOCUMENT~~

April 4, 2000

~~WORKING PAPER~~ - ~~ADMINISTRATIVE~~ - ~~INTERNAL USE ONLY~~ - ~~DELIBERATIVE DOCUMENT~~

				NR
		<p>We have interviewed Mohammed al-Fayed and are planning to air a program in which he accuses the CIA, together with MI6, of somehow being responsible for the deaths of the late Princess of Wales and Dodi Fayed. Would you like to comment?</p>	<p>By all means: The notion that the CIA was in any way complicit in the tragic accident which led to death of the Princess and Dodi Fayed is without foundation and completely absurd.</p>	<p>(b) (3) (b) (6)</p>
				NR

~~WORKING PAPER~~ - ~~ADMINISTRATIVE~~ - ~~INTERNAL USE ONLY~~ - ~~DELIBERATIVE DOCUMENT~~

# DCI ACTION CENTER ROUTING SLIP

		ACTION	INFO			ACTION	INFO
1	DCI		X	11	OPA		E-Copy
2	DDCI		X	12	DDA		E-Copy
3	DDCI/CM			13	DDI		
4	ADC/MS			14	DDO		
5	EXDIR/CIA		E-Copy	15	DDS&T		
6	CHMN/NIC			16	DCI		X
7	IG			17	DA/OIM		E-Copy
8	GC	E-Copy		18	DO/IRO		X
9	COMPT			19			
10	OCA		E-Copy	20			

**SUSPENSE DATE:** N/A

**DOCUMENT NO:** DAC 11353-99

**Action Officer:**

**COORDINATION/ROUTING:**

OGC to respond as appropriate.

**SUMMARY:**

Second letter from former Senator George Mitchell, an attorney representing Mr. Mohamed Al Fayed. Mr. Mitchell is providing a copy of an article in a recent magazine that suggests the US Intelligence Community has relevant information has on the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. He requests a meeting with the DCI to discuss this issue.

REF: DAC 11217-99 Letter from former Senator Mitchell dtd 9/2/99 requesting any information CIA has on the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. Suspense Date: 24 September 1999.

Per OGC, a letter has been prepared for DCI signature responding to Mr. Mitchell's first request for information.

22 September 1999

Received in DAC: 22 September 1999

VERNER LIIPFERT  
BERNHARD McPHERSON & HAND  
CHARTERED

901 - 15TH STREET, N.W.  
WASHINGTON, D.C. 20005-2301  
(202) 371-6000  
FAX: (202) 371-6279

SENATOR GEORGE J. MITCHELL  
DIRECT DIAL: (202) 371-6155

September 15, 1999

Mr. George J. Tenet  
Director Central Intelligence  
Central Intelligence Agency  
Washington, D.C. 20505

Dear George:

On September 2, I wrote to you to request a formal inquiry to ascertain whether the U.S. intelligence community has any information relevant to the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. Since then, I have learned of an article in a recent magazine that suggests that the U.S. intelligence community may, indeed, have relevant information.

According to Gerald Posner, writing in the September issue of Talk Magazine, an "American law enforcement official and an American intelligence agent", learned that Henri Paul, the driver of the automobile in which the Princess and Dodi Fayed were riding, met earlier that evening with a French intelligence agent. For two years, the French investigating authorities have been investigating Henri Paul's whereabouts but, apparently, to no avail. There have been reports in the past that Henri Paul had connections with various intelligence agencies and that, at his death, he was found to have substantial sums in his bank account that cannot be explained by his salary or other known sources of income. The purpose of these contacts and any connection to the deaths remain open questions.

I do not know Mr. Posner, but I have no reason to believe that he has fabricated this story. (A copy of his article is enclosed.) If members of the U.S. intelligence agencies have information about Mr. Paul's connections to government agencies, or about his whereabouts that evening, a mechanism should be found to make that information available to appropriate authorities.

■ WASHINGTON, DC ■ HOUSTON ■ AUSTIN  
■ HONOLULU ■ LAS VEGAS ■ MCLEAN ■ MIAMI

Mr. George J. Tenet  
September 15, 1999  
Page 2

The Henri Paul information, of course, is only an example of the type of information that could be within the knowledge of the U.S. intelligence community. Accordingly, I respectfully request that an inquiry be conducted to determine whether there exists any information known to the U.S. intelligence community that bears on the circumstances surrounding the deaths of Princess Diana and Dodi Fayed. If this inquiry yields relevant information, I would then like the opportunity to work with you to investigate ways in which this information could be made available to the appropriate authorities.

Finally, I would welcome the opportunity to meet with you to discuss this matter further.

Sincerely,

  
George J. Mitchell

Enclosure

# the reporter

*"I cannot recover until I find out who did it."*

— Mohammed Al Fayed

## Al Fayed's Rage

The grieving father has some wild ideas about the deaths of Princess Di and Dodi. A bungled French probe will only fuel his fire. By **Gerald Posner**

**M**ohammed Al Fayed is sitting in a beige and green conference room in the fifth-floor executive offices of Harrods, the fabled London department store he bought in 1985 for a cool \$670 million. It is but one of his many assets. The 66-year-old Egyptian native counts among his treasures a 14th-century castle in the Scottish Highlands, stately apartment buildings lining London's Hyde Park, and a sprawling estate in St. Tropez. He owns the venerable satirical magazine *Punch*, the storied Fulham Football Club, and, along with his brother Ali, Turnbull & Asser, the elegant Jermyn Street shirtmaker. He commands a small fleet of private jets—the Executive Gulfstream IV is his favorite—boasts a sterling collection of vintage cars, and relaxes in the south of France on the *Sakara*, one of the world's most luxurious sailing yachts.

Al Fayed has not come to the conference room today to talk about what he has, but rather what he has lost, and why. "I have absolutely no doubt that my son and Diana were murdered," the tycoon declares, leaning across the large mahogany table, his surprisingly youthful face twisted with determination. Bedecked in a black tie "that I have worn every day since their death and will continue to wear until the murderers are caught," Al Fayed slams the polished top of the Queen Anne table with the palm of his hand. "I will not be stopped. They have picked on the wrong family! I know who they are."

It was two years ago this August that Dodi Fayed and Princess Diana were killed in a Paris car crash. The grieving father has grown impatient with the plodding pace of the French investigation piloted by Magistrate Hervé Stephan, who has largely stymied Al Fayed's own probe. Though Stephan's inquiry is expected to wrap up this summer with indictments of several paparazzi (for failing to aid the victims at the crash scene), Al Fayed is anxious to unleash a small investigative army to prove that what happened in the Pont de l'Alma underpass on the night of August 31, 1997, was anything but a simple auto accident.

"It has been absolutely frustrating," he says, thrusting his fist into the air. "To sit here when my body and soul want to do much more. If I lose the last penny I have, I will do everything I can. I won't let those responsible, those who are driven by cruelty, meanness, and racism, get away with the murders of two innocent people."

Suddenly Al Fayed leans back in his silk brocade chair and reaches for a framed drawing that rests under one of the room's arrangements of artificial flowers. He pushes the picture toward me. It is a child's drawing of Diana and Dodi, with an angel and a



dove floating above their heads. "This was just one thing sent to me by someone who knows I am right," he says proudly. "This is one of 3 million pieces of mail I have received since their deaths." His voice rises, his excitement reflected in his machine-gun delivery. "My website has had over 30 million visitors. A newspaper poll just showed that 25,000 people are with me, and only 1,500 voted against. The people are too smart; they know there is more to the death of Diana than they have been told."

# the reporter

Al Fayed does have plenty of company. In the two years since the crash, conspiracy theories about the deaths of Princess Di and Dodi have become a cottage industry. In the Middle East, books pinning the event on murderous anti-Arab sentiment began flooding the market soon after the bodies were buried; rumors there have Israel's Mossad carrying out a cold-blooded execution. Some 3,000 websites devoted to the princess have sprouted on the Internet, roughly half of which explore dark explanations for the couple's death. One site feverishly suggests that Di and Dodi were pawns in a struggle between the Rockefellers and the Rothschilds.

The tabloids have had a field day chronicling the exploits of an ex-British intelligence agent named Richard Tomlinson, who sees parallels between the crash and a plot he says MI6 (the British international intelligence agency) hatched to assassinate Serbian ruler Slobodan Milosevic. Tomlinson, who this spring caused a panic in England by publishing a list of MI6 agents on the Internet, has kept authorities on several continents hopping: He's been banned from Britain for violating the Official Secrets Act, booted out of France—and turned away last year in an attempted visit to the U.S.

Even the American court system has gotten in on the action. In 1998 Al Fayed was contacted by a Los Angeles entertainment lawyer representing supposed ex-CIA agents who had documents they claimed proved

tance. "God sent me Richard Tomlinson," he says. "I didn't seek him out. His conscience made him come to me."

AL FAYED'S THEORY GOES like this: On the night of the accident, MI6 agents set Di and Dodi's course. Following their dinner at the Ritz Hotel, Henri Paul, acting chief of security, was ordered to persuade the couple to retire to Dodi's apartment nearby. MI6 infiltrated the pack of photographers that trailed the luxury sedan carrying the couple along a Paris expressway. As the Mercedes rocketed toward the Pont de l'Alma underpass, a slow-moving Fiat Uno driven by one conspirator moved into position, obstructing the right lane. Two other plotters drove by on a motorbike, using a laser device to blind the driver, Paul, causing him to lose control of the car. The conspirators later swapped Paul's blood sample with someone else's, ensuring that lab tests showed an extremely high blood-alcohol level—thereby offering a plausible explanation for the crash.

Al Fayed's rhetoric soars to fantastic heights when naming the names he thinks are behind the scheme. "Prince Philip [Queen Elizabeth's husband] is the one responsible for giving the order. He is very racist. He is of German blood, and I'm sure he is a Nazi sympathizer. Also, Robert Fellowes [the queen's private secretary and Diana's brother-in-law] was key. He is the Rasputin of the British monarchy."

I conducted my own investigation of the

In short, the French investigation leaves leads dangling and mysteries unanswered—encouraging Al Fayed and the faceless army of Internet detectives in their ongoing efforts to find purchase for their lush theories on the barren fields of fact.

NUTS-AND-BOLTS PROBLEMS with the police work were evident from the start. The scene was not completely sealed until Paris police chief Philippe Massoni arrived, almost an hour after the wreck. Before that, tourists and local passersby swarmed the scene, milled around the car, and took photos; some even grabbed pieces of the wreckage for souvenirs. No one took their names or confiscated their film and videotape.

Frédéric Mailliez, a 36-year-old doctor who was passing by the accident scene and who treated Diana until ambulances arrived, told me that he had simply returned to his car and left. No one questioned him, although if there had been a murder plot, he might have been the person sent to finish her off. The next day, after learning that his patient had been Diana and that she had died, Mailliez called the police. "Oh, we've been looking for you," a sheepish commissioner said.

Six paparazzi and one photo agency motorcycle driver were arrested that night, and three others soon turned themselves in. But the first police officers on the scene estimated that there had been 20 photographers, meaning half were never found. French au-



**I found considerable proof of sloppy work by police who seemed disinclined from the start to vigorously pursue their own probe of the deaths of Princess Di and Dodi.**

that Dodi and Di were murdered in a joint CIA-MI6 operation. When the Americans demanded \$15 million, the local police and the FBI set up a sting—which resulted in the conviction of one "agent," the flight of another, and an ongoing investigation by the U.S. Attorney's office in Washington.

But the circus atmosphere and the con men have not fazed Al Fayed. "I am convinced these people were connected to the CIA," he says. "The documents they tried to sell me were fraudulent, but it is possible that they were based on real documents that do exist." And he has resolutely stood by Tomlinson, even after some of his own advisers counseled Al Fayed to keep his dis-

French probe this spring and found no credible evidence whatsoever confirming Al Fayed's beliefs. But what I did discover will not, regrettably, close the case for Al Fayed and his fellow conspiracy theorists. I found considerable proof of sloppy work by police who seemed disinclined from the start to vigorously pursue their own probe. I discovered a failure to exercise fundamental control over the crime scene, allowing witnesses and photographs to slip through the French dragnet; lab work so shoddy as to expose a key player's blood to possible contamination; and evidence that intelligence agents were talking to Dodi's driver barely three hours before the crash.

thorities believe that they confiscated all the professional photos taken that night. Yet this past spring, surrounded by tight security in a clandestine location, I was shown low-resolution images of pictures taken of a dying Diana still trapped in the crumpled Mercedes. Those pictures show no firemen or police officers, so they were apparently snapped immediately after the accident. Diana, in tight close-ups, looks remarkably uninjured except for a gash over one eye. Her head is rolled back slightly to the left and her eyes are closed—probably to shut out the bright camera flashes popping only inches away. Those pictures were offered to me for \$2 million.

## the reporter

In chasing down one of the crash's most enduring mysteries, the cops may have stopped running too soon.

Nearly a dozen eyewitnesses told the French police that a Fiat Uno had been involved in the crash. There was physical evidence to buttress their claims, including traces of white paint and black rubber found on the Mercedes that could have matched paint and rubber from a Fiat Uno manufactured between 1983 and August 1987. Taillight glass found at the crash scene, as well as remains of a Fiat wing mirror, belonged to an Uno from the same period.

Within a few months police located a 1986 Uno owned by a 23-year-old Vietnamese immigrant, Le Van Thanh, who lives three miles from the tunnel. The car was originally white but had been repainted with a thin coat of red primer. Le gave conflicting statements about when and how the car had been repainted before finally admitting it had been done the day after Diana died. A part-time security guard, Le said he was at work and that a coworker could vouch for him, though he could not remember the coworker's name.

The police quietly detained Le in November 1997 and impounded his car. But they let him go after a mere six hours and soon released the car. Martine Monteil, commissioner of the Criminal Brigade, later told the London *Sunday Times* that Le had been released because "he had an alibi and the examination of the paint showed it wasn't the right car."

But that is incorrect, according to con-

out with the bumper and paint repair work.

Le did not return repeated phone calls; Monteil refused requests for an interview. (Al Fayed sought to have his own investigators examine Le's car, but Magistrate Stephan refused. Today Al Fayed thinks Le played no role—and believes the missing Fiat was built to order by the CIA for MI6.)

It's not uncommon for a major crash investigation to leave a few loose ends. But in this case, police attitudes may have played a part. Many detectives in the elite Criminal Brigade thought Diana had died in an overblown traffic accident not worthy of their investigative time and effort. One photographer brought to headquarters for an interview witnessed firsthand the officers' disdain. "They hated the job they were doing," he told me. "We aren't even being paid overtime," one said. Another spit at a photo of a Union Jack on the wall."

THE MEDICS WEREN'T DOING much better than the cops. It took nearly two hours for French emergency crews to get Diana to Pitié-Salpêtrière hospital, 3.8 miles southeast of the tunnel. The French prefer to stabilize patients at the scene, whereas American emergency medical technicians rush accident victims to hospitals as quickly as possible. Even taking into account the different approaches, some American medical experts consider a two-hour delay indefensible.

Diana had no significant external injuries, but she was semiconscious. She was having difficulty breathing and her blood pressure

gested that Diana might have lived. But they have steadfastly refused to allow any of the physicians who treated her at the hospital to talk to the press, and have barred the release of any of Diana's medical records.

That is unfortunate, because doing so might clear up one of Al Fayed's most controversial theories. He strongly believes that Diana and his son were planning to marry—and that he might well have had a grandchild on the way. Al Fayed is not the only one who thinks Diana might have been pregnant. I have learned that someone from the British home secretary's office interrupted her autopsy with a phone call, ordering the pathologists to omit any mention of pregnancy in their final report. (British authorities adamantly deny this.)

Absent the French records—or better yet, the British autopsy, the results of which have also been withheld to date—it is impossible to know definitively whether Diana was pregnant. But one of her closest friends, who was in regular contact with the princess during her relationship with Dodi, denies that there is any truth to that notion.

This spring I spoke with Lucia Flecha de Lima, the wife of the former Brazilian ambassador to the United States, in the first interview she has given since Diana's death. "There is absolutely no truth to what Mr. Al Fayed thinks," de Lima said. "I spoke to Diana many times, and often about Dodi. She was enjoying herself. It was the first time she was ever able to date someone in public. It was a new experience for her. But I can assure you



**"I spoke to Diana many times," says Lucia Flecha de Lima. "She absolutely was not going to marry [Dodi]. And she was definitely, no question about it, not pregnant."**

fidential police reports showing that the underlying white paint on the Uno matched Bianco-Corfu 224, the shade of the traces found on the Mercedes. The rubber from Le's bumper also matched the marks on the Mercedes. There is no indication that the police ever verified Le's alibi.

The reports also state that the police found no repairs in the area where the Mercedes would have damaged the Uno. Yet a photo of Le's Uno in the French file shows an off-white filler that evidently was used to repair the car. Le himself admitted that the bumpers had been changed. His brother, who works in a garage, helped

was low. "The only thing you really have to be worried about at that point is the risk of internal injuries," says Dr. Michael Baden, who as former chief coroner for New York City has performed autopsies on thousands of accident victims.

Diana had a rupture of her left pulmonary vein that was not large enough to cause instant death but was slowly filling her chest cavity with blood. "With this type of injury," says Baden, "time is of the essence.... In the United States the delay in getting her to the hospital could constitute gross malpractice. There's no excuse for it."

The French authorities bristle at the sug-

that she absolutely was not going to marry him. And she was definitely, no question about it, not pregnant." Al Fayed, who met de Lima at Diana's funeral, surprisingly never asked her directly about the circumstances he thinks set in motion a death plot.

The medical records of Henri Paul are also at issue. The morning after the accident an autopsy was performed on Paul, and blood samples were drawn. News of those test results leaked inside the police department—showing three times the legal alcohol limit and reinforcing the view that the crash had been an accident.

But a close examination of the still-con-

# **DCI ACTION CENTER ROUTING SLIP**

		ACTION	INFO			ACTION	INFO
1	DCI		X	11	OPA		E-Copy
2	DDCI		X	12	DDA	E-Copy	
3	DDCI/CM			13	DDI		
4	ADCI/MS			14	DDO		
5	EXDIR/CIA		E-Copy	15	DDS&T		
6	CHMN/NIC			16	DA/OIM	E-Copy	
7	IG			17	DO/IRO		X
8	GC		E-Copy	18			
9	COMPT			19			
10	OCA		E-Copy	20			

**SUSPENSE DATE: 24 September 1999**

**DOCUMENT NO: DAC 11217-99**

**Action Officer:**

**COORDINATION/ROUTING:**

OIM to prepare a response for DCI signature. Forward response to OCA for coordination and transmittal.

**SUMMARY:**

Request from former Senator George Mitchell, an attorney representing Mr. Mohamed Al Fayed, for any information CIA has on the circumstances surrounding the deaths of Princess Diana and Dodi Fayed.

Date: 15 September 1999

Received in DAC: 15 September 1999

PO PUBRE 8430 T 99

22

DAC

DAC-11217-99

CONGRESSIONAL CORRESPONDENCE ACTION PLAN		
Date / Time Received 13 SEPTEMBER 1999/1045	Suspense Date	Control Number
ACTION: Please forward response as indicated below to OCA for coordination and transmittal.		
<input checked="checked" type="checkbox"/> Prepare a response for DCI signature.		
Lead Action Office: OIM		
Information Copies: OGC, OPA, DCI, DDIE, EXDIR, DC/ERO		
<input type="checkbox"/> Prepare a response for D/OCA signature.		
Lead Action Office:		
Information Copies:		
<input type="checkbox"/> NO WRITTEN RESPONSE NECESSARY		
Lead Office:		
Follow-Up Action:		
Information Copies:		
OCA ACTION OFFICER: <div style="border: 1px solid black; width: 200px; height: 30px; margin: 5px auto;"></div>		
Advance Copies Provided To: CCA F/O C/LEG		
Comments:		
<input type="checkbox"/> NO FURTHER DISSEMINATION WITHOUT PRIOR OCA APPROVAL.		

VERNER · LIIPFERT  
BERNHARD · McPHERSON & HAND  
CHARTERED

901 - 15TH STREET, N.W.  
WASHINGTON, D.C. 20005-2301  
(202) 371-6000  
FAX: (202) 371-6279

SENATOR GEORGE J. MITCHELL  
DIRECT DIAL: (202) 371-6156

September 2, 1999

Mr. George J. Tenet  
Director Central Intelligence  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Tenet:

This firm represents Mr. Mohamed Al Fayed, in whose behalf I write to call your attention to a number of news accounts that have suggested that various United States intelligence agencies possess information that may shed light on the deaths of Mr. Al Fayed's son Dodi Fayed, his companion Diana, Princess of Wales, and their driver, Henri Paul. Such information may be relevant to a French judicial inquiry into the deaths, as well as a coroner's inquest that will take place shortly in England.

While the U.S. intelligence community initially resisted all efforts to determine whether they possess relevant records, and if so, what those records reveal, in recent weeks the Secretary of Defense, realizing the importance of the inquiry, has offered to have all potentially relevant records from the intelligence agencies under his command reviewed by the Secretary's Chief of Staff. I ask for similar assistance from the CIA in determining whether the U.S. intelligence community in fact possesses information concerning the deaths, or concerning relevant events leading up to and/or subsequent to those deaths, and if it does, your help in ensuring that the information is provided to the French and British authorities investigating the matter, all of course in a manner consistent with this country's security interests.

There has been a great deal of attention devoted to the events on the night of August 31, 1997, when the automobile carrying Princess Diana and Dodi Fayed crashed into a pillar in the tunnel under the Place d'Alma in Paris, killing Diana, Dodi, and their driver. An official inquiry convened shortly after the crash under the direction of French *Juge d'instruction* Hervé Stephan continues to this day, with an inquiry by the English Royal Coroner to follow. Press attention to the details of the crash and possible explanations for it has been unrelenting. Nevertheless, in spite of the investigative work of both the authorities and journalists, numerous aspects of the crash remain unsolved: for example, a Fiat Uno that was reportedly in the Place d'Alma

■ WASHINGTON, DC   ■ HOUSTON   ■ AUSTIN  
■ HONOLULU   ■ LAS VEGAS   ■ McLEAN   ■ MIAMI

Mr. George J. Tenet  
 September 2, 1999  
 Page 2

tunnel at the time of the crash has never been located, and several "paparazzi" who were recorded on film that evening remain unidentified. As a result, the official investigation remains incomplete and investigative reporters continue to dig for answers.

Recently, a number of news stories in the United States and abroad have reported that United States intelligence services may have information concerning the crash. In response to a request from **APB News** under the Freedom of Information Act, the National Security Agency has confirmed that ~~there are~~ at least 1,056 pages held by the NSA, Central Intelligence Agency, State Department, Defense Intelligence Agency and perhaps other government agencies concerning the late Princess of Wales. Newspapers have also reported that United States intelligence agencies conducted surveillance on Princess Diana that may have continued until the day of her death; the December 10, 1998 Daily Mail, for example, reported that "secret checking [on] Diana's personal life is believed to have gone on until her death in Paris." There has been press speculation in this country as to what light U.S. intelligence records may shed on the crash and related events.

In an effort to end the speculation and determine what information, if any, the agencies actually possess, Mr. Al Fayed attempted to obtain the contents of relevant files, first through the Freedom of Information Act and, when it became apparent that any response would be delayed, through an application for court-ordered subpoenas. After considering Mr. Al Fayed's application, the U.S. District Court for the District of Columbia ordered on February 5, 1999 that a subpoena be issued to the CIA, returnable on February 12. Nevertheless, despite efforts by Mr. Al Fayed's attorneys to accommodate the government's legitimate concerns, the Agency has yet to produce a single document in response to the subpoenas. ~~Matters thus stand exactly where they did in December of last year, with media speculation concerning the existence and contents of U.S. intelligence agencies' files but no response from the Agency either confirming or denying that it has relevant records in its possession.~~

My reasons for bringing this information to your attention are twofold. First, and most importantly, if American intelligence services - whether the CIA, DIA, NSA, or others - possess information bearing on the deaths of Dodi Fayed and the Princess of Wales, that information ought not to be withheld from the judicial inquiries into the crash, but rather ought to be released - redacted to protect intelligence sources and methods if necessary - to the French and British authorities, whether through Mr. Al Fayed, who has the right to present evidence in the French inquiry; or directly to *Premier Juge d'instruction* ~~Stephan~~ himself; or, when the English inquest has opened, to the coroner. Second, the frequency and breadth of news inquiries concerning the agency files - from the London *Times* to network morning news programs - make it

Mr. George J. Tenet  
September 2, 1999  
Page 3

perfectly clear that investigative reporters working on this story will continue to pursue it as long as there are unresolved questions about information U.S. intelligence agencies may have concerning the crash. I hope that you will agree that, given the attention to and importance of the matter, it is in the best interests of the U.S. intelligence community that if the agencies possess information concerning the crash which may be disclosed to the French and British authorities, without compromising United States security interests, it should be divulged. I therefore request that you initiate a formal inquiry into this matter to ensure that any relevant information known to the U.S. intelligence community that bears on the circumstances surrounding the deaths of the Princess and Dodi Fayed is made available, whether through Mr. Al Fayed or otherwise, to the French and British authorities.

I have a great deal of documentary materials that I would like to provide you, and I hope to have the opportunity to speak with you concerning this matter in the near future.

Sincerely,

  
George J. Mitchell

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(b) (3)  
(b) (5)  
(S)

20 April 2000

## MEMORANDUM FOR THE RECORD

Prepared by:

[redacted]  
Special Investigator

Subject:

Discussions with [redacted]  
and [redacted]

1. [redacted] On 19 April 2000, I talked with [redacted] an attorney in [redacted]. The purpose of the session was for the OGC attorneys to provide me with general information concerning the Agency's past involvement with various issues involving Lady Diana, Princess of Wales, and Dodi ~~Al~~ Fayed. [redacted] has followed these topics and is knowledgeable of the Agency's response to requests for information. [redacted] currently maintains the OGC soft file on the FOIA requests made on behalf of the Al Fayed family.

2. [redacted]

3. [redacted] [redacted] recalled the following matters that involved the Agency and Diana/Al Fayed:

- Extortion case in which LeWinter, who claimed to be a former CIA officer, tried to sell CIA documents to Mohammed Al Fayed for millions of dollars. LeWinter was arrested and is in prison in Vienna, Austria for his involvement in this attempt.
- French investigation of the August 1997 fatal auto crash. During the course of the investigation, the U.S. courts got involved in requests for information and tried to subpoena documents from CIA that might pertain to the crash. The wording in the subpoena

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was the same as in the FOIA request(s) that followed.

- FOIA request (one or two requests). [ ] was the project officer in OIM who handled that request. OGC was involved because it crafted the response. CIA responded to the FOIA request with: (1) no information on the crash itself, (2) Glomar for foreign citizens, and (3) requested Privacy Act waivers for U.S. citizens. [ ] said there has been no response from the requester concerning the Privacy Act waivers. CIA found one State Dept. cable that pertained to Diana, and passed it to State for review; eventually State released the cable.
- DCI's office tasked components to do a search for any documents or information that might have related to the CIA or NSA's collection of intelligence on Diana. This request was made in response to a news story alleging the NSA and CIA had thousands of pages of documents on this topic.
- Criminal investigation. Relates to the extortion case in Vienna. Charges of wire fraud brought against LeWinter and [ ] in the U.S. The CIA OIG was involved in this matter. Question of whether the United States had jurisdiction in this matter. File searches were done by OIG, and then OGC provided oversight to the process.

4. 

5. [ ] [ ] also recalled another request for information indirectly related to the Diana-Dodi accident. A news article described that CIA-NSA had thousands of pages

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of documents pertaining to intelligence gathering on Diana. In addition, CIA (or NSA?) had been intercepting the phone conversations between Diana and her friend, the wife of the Brazilian ambassador who is stationed in Washington, D.C. When that story was publicized, the Brazilian Embassy in Washington contacted the law firm where former General Counsel Jeff Smith works and tasked that firm to determine if there were any truth to the story of the intercepted telephone conversations. Smith requested information from the Agency, but his request was quickly denied. Smith was the GC in the mid 1990s; he preceded Mike O'Neill as GC.

6. [ ] [ ] said that I could look through OGC's files on the FOIA request, [ ] and any other material that might be helpful. [ ]  
[ ] [ ] has the OGC files on the Diana litigation.

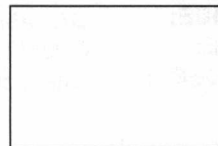
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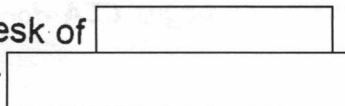
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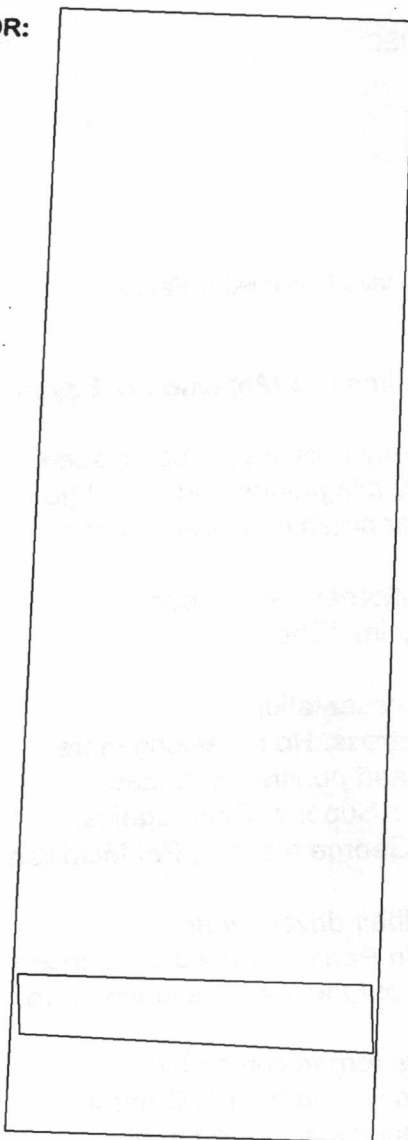
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(b) (3)  
(C)



From the Desk of  
DAVOIM/IRG -



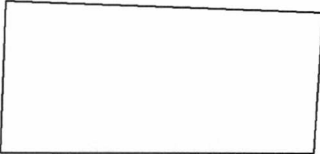
NOTE FOR:



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FROM:   
OFFICE: DA/OIM/IRG/PIRD  
DATE: 07/26/99 02:25:17 PM  
SUBJECT: Latest on Princess Di and Bogus CIA Docs

Here are two recent news articles on the newest law suit by Mohamed Al Fayed relating to bogus CIA documents (re Princess Di), for your reading pleasure.

(Classification relates to distribution list only. The text is unclassified)

CLASSIFICATION/CONTROLS: UNCLASSIFIED  
SOURCE: NEWSWIRE  
SEQUENCE: NWS-99-12131481  
PUBLICATION: AGENCE FRANCE PRESSE  
PUBLICATION DATE: 24-Jul-99 12:58 am  
AUTHOR: NA  
PUBLISHER: AGENCE FRANCE PRESSE  
DATE RECEIVED: 23-Jul-99 08:54 pm  
TITLE: Lawyer denies fraud allegations by billionaire Mohamed Al Fayed

TEXT:

Lawyer denies fraud allegations by billionaire **Mohamed Al Fayed**

LOS ANGELES, July 23 (AFP) - A Beverly Hills lawyer **being sued** by billionaire Mohamed Al Fayed denied allegations Friday that he sold him bogus information about the car crash that killed his son and Princess Diana.

They "not only lack any factual basis," attorney Keith Fleer said of the misconduct charges against him. "They are preposterous."

Al Fayed alleges fraud, negligent misrepresentation, civil conspiracy and infliction of emotional distress. **He is seeking more than six million dollars in compensatory and punitive damages.**

The suit was filed Monday in Los Angeles Superior Court against Fleer, Oswald LeWinter, also known as George Mearah, Pat McMillan and George Williamson.

After his son, Dodi, Princess Diana and their driver, Henri Paul, died in the August 31, 1997 crash in Paris, Al Fayed announced he would pay a reward for information about the events leading up to their deaths.

Al Fayed's **attorneys claim the defendants forged communiques** between MI6, the British intelligence agency, and the US Central Intelligence Agency, in which the two agencies appeared to be

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discussing British intelligence plans to assassinate Princess Diana and Dodi.

The suit alleged that McMillan, LeWinter and Williamson brought Fleer on board to be their front man. The attorney took the job even though he knew the documents were fakes, according to the suit.

"At no time did I represent that any of the information others purported to have was genuine, factual or accurate," Fleer said.

"Nor did I ever represent that I had personally investigated, or could vouch for the accuracy of any documents or the reliability of any sources of information," he added.

Fleer insisted that he told Al Fayed's representatives that they would need to verify the information for themselves.

"I fully intend to vigorously contest this frivolous lawsuit in order to clear my name and vindicate my reputation," Fleer said.

According to the suit, Fleer contacted Al Fayed's chief of security and told him that among his sources he had an ex-CIA agent and an investigative reporter who would need 20 million dollars "to take measures to protect themselves."

Fleer allegedly said a CIA operative in Europe had been contacted by MI6, which was looking for help in putting together an "assassination team."

According to the lawsuit, Fleer said the CIA agent cabled his agency's Langley, Virginia, headquarters and received word that the CIA did not want to become directly involved.

Instead, according to the suit, the CIA gave British intelligence the name of a contact with a team affiliated with an Israeli Mossad intelligence agency unit operating out of Switzerland.

Fleer also told Al Fayed's security chief that his "CIA sources" could supply the owner of London's Harrod's department store with a doctor's report showing that Princess Diana was pregnant when she died, the lawsuit alleges.

On April 8, Fleer asked Al Fayed's chief of security, John Macnamara, for 25,000 dollars in expense money which was to be wired to a bank in New Mexico six days later, according to the complaint. He also instructed Al Fayed's representative to deposit 15 million dollars as a part of a "negotiated purchase price" in a foreign anonymous bearer passbook account, the lawsuit alleges.

kl/g

IC AGENCY: NA

PUBLICATION NUMBER: e0016

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~~CONFIDENTIAL~~

## THE COURT FILES

CLASSIFICATION/CONTROLS: UNCLASSIFIED  
SOURCE: NEWSWIRE  
SEQUENCE: NWS-99-12137063  
PUBLICATION: LOS ANGELES TIMES  
PUBLICATION DATE: 25-Jul-99 05:06 am  
AUTHOR: NA  
PUBLISHER: DOWVISION  
DATE RECEIVED: 25-Jul-99 05:04 am  
TITLE: THE COURT FILES

**INTERNATIONAL MEN OF MYSTERY:** As the man posing as a former CIA spook told it, Princess Diana was pregnant by boyfriend Dodi Fayed when the couple were assassinated by British intelligence agents. It was just the kind of story to appeal to Dodi's grieving father.

And for a while, billionaire Mohamed Fayed, owner of the Ritz in Paris and Harrods in London, bought that tall tale.

Literally.

Now Fayed says he was swindled. He has hired a couple of high-powered attorneys—Bert Fields, fresh from Jeffrey Katzenberg's mini-trial against Disney, and David Kendall, whose clients include President Clinton. They're suing entertainment lawyer Keith Fleer and three other men, accusing them of trying to peddle bogus information to Fayed.

The suit, filed in Los Angeles Superior Court, describes Fleer as the front man for the others—Oswald LeWinter (a.k.a. retired CIA Agent George Mearah), Pat McMillan and George Williamson. It alleges fraud, civil conspiracy and infliction of emotional distress and seeks damages of about \$6 million.

According to the suit, the defendants forged communiques between the British intelligence agency MI-6 and the CIA, in which the two agencies appeared to be discussing MI-6's secret plans to assassinate Dodi and Di. They then allegedly approached Fayed, asking for \$15 million.

Fleer, according to the suit, claimed his sources were an investigative reporter and a CIA agent who would need the money to "take measures to protect themselves." He also allegedly claimed to have access to an autopsy report showing Diana was pregnant. About \$25,000 exchanged hands before Austrian authorities swooped down in Vienna and arrested LeWinter, who was posing as the former CIA agent. He is now serving four years in prison for his role in the scam, which is also being investigated by federal authorities in Washington. Fleer denied the allegations through his publicist, saying they are "preposterous." He denied receiving any part of the \$25,000 allegedly paid by Fayed.

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[...]

04:44 EDT July 25, 1999

DowVision: 07-25-99 0444

CATS:

Subject: N/MTR N/LATM N/FRT

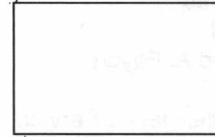
CC:

Sent on 26 July 1999 at 02:25:17 PM


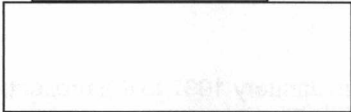
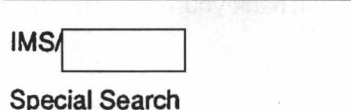

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27 April 1998

MEMORANDUM FOR:   
VIA:   
FROM:   
OFFICE: IMS   
SUBJECT: Special Search  
REFERENCE:

We have searched the DO operational, the Privacy and the Restricted Handling cable databases and have been unable to find any cables containing information about an alleged involvement of the British Royal family, government, or intelligence services in the deaths of Princess Diana or Dodi Fayed. Further, no cables were found with even the hint that the CIA in anyway might have been supportive in such a conspiracy.

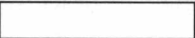
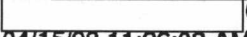
Cables reported rumors or suspicions, mostly by Middle Eastern nationals, that the British Royal family might have been involved. None of these cables referred to the CIA at all. The  cables found by the search were turned over to you.

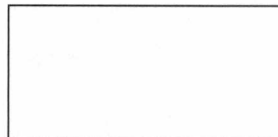
Our search of the Privacy and RH databases failed to find any cables even mentioning these rumors or suspicions.

If you have any questions, please contact 

Original Note from  @ DCI

Original Note from  @ DCI

NOTE FOR: IMS   
FROM:  @ DCI  
DATE: 04/15/98 11:26:08 AM  
SUBJECT: Priority Request for Spin Search for Inspector General



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Please do a search on the following terms:

Princess of Wales  
Princess Diana  
Princess Di  
Dodi Fayed  
Al Fayed  
Mohamed Al Fayed  
Fayed  
British Intelligence Service  
Harrods

any of the above terms along with these words

assassination  
elimination  
accident

The time frame we are interested in is from January 1997 to the present. If you have any questions please call [REDACTED] Thank you.

**Previous Comments:**

[REDACTED] 04/30/98 08:14:23

None

CC: [REDACTED]

**Sent on 30 April 1998 at 08:15:23 AM**

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~~CONFIDENTIAL~~(b) (3)  
(b) (6)  
(b) (7) (c)

April 15, 1998

## MEMORANDUM FOR THE RECORD

SUBJECT: [ ] Alleged CIA Involvement in Assassination of  
Princess Diana

CASE NAME: 98-0045-IG

1. [ ] On Monday, April 13, 1998, [ ] and I met with [ ] former FBI Special Agent and Special Assistant to DCI Webster, [ ] former General Counsel at DOD and [ ] formerly of DOD. Also present were two British nationals--John MacNamara, Director of Security for Mohammed Fayed in London, and Paul Hundley-Greaves, Director of Personal Security for Fayed. The meeting had been urgently requested by [ ] MacNamara and Greaves had reportedly flown to the U.S. the previous day expressly for this purpose.

2. [ ] They described an allegation that the CIA was involved in the assassination of Dodi Fayed and Diana, Princess of Wales, who were both killed in an automobile crash in Paris on August 31, 1997. Allegedly, the British Intelligence Service planned the assassination and asked CIA personnel abroad for assistance. While CIA Headquarters reportedly declined to be involved, it is alleged that the name of a person in Europe who could be useful in such an effort was provided by CIA Headquarters to the field for provision to the British service.

3. [ ] This story has reportedly been delivered to Fayed's staff by a reputable U.S. lawyer and a reputable U.S. journalist who claims to be in touch with four "CIA operatives." These "operatives" claim to have documentary proof, reportedly in the form of "telexes," that communications of the nature described above did take place. Further information would be provided to Fayed's staff in exchange for varying amounts of money. No names or specific information is available at this time that would enable us to attempt to verify any of these events, and it appeared to us that this might be an attempt to extort money from Fayed and that the FBI should be involved.

4. [ ] We put [ ] in touch with [ ] FBI Deputy Director, and a meeting was arranged at FBI Headquarters on the afternoon of the 13th. This morning, I was advised that the FBI has opened a criminal investigation of the matter. OIG is providing assistance to the FBI in this regard.

[ ]  
Deputy Inspector General  
for Investigations~~CONFIDENTIAL~~

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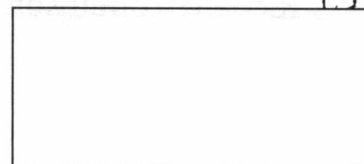
5 June 2000

**DIANA, PRINCESS OF WALES, AND DODI FAYED:  
SUMMARY OF CIA DOCUMENTS RELATING TO DIANA AND  
DODI AND CIA'S PREVIOUS RESPONSES TO FOIA REQUESTS  
ON THE TOPIC**

1. (U//AIUO) The family of Dodi Fayed has been seeking information from CIA and other U.S. Government agencies that it believes may shed light on the cause of the automobile accident in which Dodi, Lady Diana, and chauffeur Henri Paul died. Mohamed Al Fayed, father of Dodi Fayed, may be operating on the belief that CIA tracked Diana and Dodi for several months before their deaths, and that the Agency conspired with British intelligence agencies to ensure that Diana did not marry Dodi Fayed. That theory and similar conspiracy plots were described at length in British and Arab language newspapers in the months following the fatal crash.

2. (U) **Rauser's FOIA Request to NSA.** On 9 June 1998, an employee of the *Inside Edition* television show sent a Freedom of Information Act (FOIA) request to the CIA and another to the National Security Agency (NSA), asking for all records pertaining to Lady Diana Frances Spencer. The Agency responded on 7 July 1998 that it could neither confirm nor deny that CIA held any responsive documents.

3. (U) NSA issued a response to *Inside Edition* on 5 November 1998 stating it held 182 documents totaling 1,056 pages on the topic, of which 143 (925 pages) originated with other agencies. NSA informed *Inside Edition* that the 39 documents originated with or were

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controlled by NSA (124 pages) could not be released because they were classified at the Top Secret level. NSA's response did not specify which agencies originated the 143 documents.

4. (U) The failure of NSA to provide any documents to *Inside Edition* did not prevent the program from creating a story based on the response—or lack of response. An article in the *Scottish Daily Record* of 10 December 1998 is typical of news accounts ~~carried~~ based on the NSA letter:

The US secret services spied on Princess Diana for years - learning her most intimate sex secrets, it was revealed yesterday. The massive operation contained in a 1056-page dossier is still classified as top-secret. All three agencies, the CIA, the National Security Agency and the Pentagon's DIA, were involved. They collected secret information on Diana's personal and love life by phone tapping. ... The CIA is believed to have turned over reports on her to Di's enemies in the British intelligence community. Last night a spokesman for the NSA admitted the existence of the files. He said from the NSA HQ in Fort Meade, Maryland: "The documents are currently and properly classified top-secret." ... The NSA have 300 pages on Diana, and the CIA more than 700.

5. (U) Information contained in news accounts, such as this one, is apparently the basis for subsequent attempts by the Mohamed Al Fayed family to obtain, what it believes are ~~hundreds of pages of~~ CIA documents pertaining to the personal and love life of Lady Diana.

6. (U) **Rauser's FOIA Request to CIA.** In December 1998, CIA received a request from attorney Paul Rauser of the Williams & Connolly law firm, which represents Mohammed Al Fayed, for CIA records pertaining to Diana, Princess of Wales, and Dodi Fayed. The request was for records relating to Diana, Dodi Fayed, the deaths of Diana and Dodi, intelligence gathering activities directed at Diana and or Dodi, Mohamed Al Fayed, Keith Fleer, Karl Koecher, Oswald LeWinter, Ricardo Shapp, George Williamson, Jacques Pottier, and Richard Tomlinson.

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7. (U//AIUO) Prior to the Rauser FOIA request, the Office of Information Management (OIM) had received a similar request for information pertaining to the death<sup>5</sup> of Diana and Dodi, and at that time conducted searches with the assistance of the Information Review Office, Directorate of Operations (IRO/DO) for responsive documents. No responsive documents were located. At its own initiative, OIM looked for documents pertaining to Karl Koecher—specifically for information pertaining to the spy exchange for this former CIA officer who was charged with espionage in 1984.

8. (U) On 26 February 1999, Lee Strickland, OIM, responded to the FOIA request with the first of three letters to Rauser. The three responses were prepared by personnel in OIM and the Office of General Counsel (OGC) with concurrence from senior Agency officers. The Agency did not provide any documents to the requester. OIM provided three types of responses to the names and events listed in Rauser's letter. In the first category, for names of nationals and intelligence activities, a "glomar"<sup>1</sup> response was given. A glomar response states "The Agency can neither confirm nor deny the existence or nonexistence of records." CIA does not acknowledge it has documents on foreign individuals because that could reveal the individual was of intelligence interest to CIA. The identity of a foreign national who is of intelligence interest is classified and would reveal intelligence sources and methods. The same disclosure restrictions apply to intelligence collection activities targeted at specific foreign nationals. Included in that category were: Diana, Dodi Fayed, intelligence gathering activities directed at Diana and or Dodi, Mohamed Al Fayed, Ricardo Shapp, Jacques Pottier, and Richard Tomlinson.

9. (U) For a second category, OIM notified Rauser that it would conduct a search and notify him of any responsive records found. In that second category was: the death of Diana, the death of Dodi Fayed, the fatal accident.

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<sup>1</sup> (U) "Glomar" was first used in the 1970s in response to a request by CBS News for information on the M.V. Glomar Explorer ship alleged to have been involved in the attempted recovery of a Soviet Golf III submarine.

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10. (U) For a third category, the names of U.S. ~~N~~<sup>~</sup>ationals,<sup>2</sup> OIM agreed to conduct searches but requested that Rauser supply additional identifying information as well as signed waivers of protection under the Privacy Act from the individuals: Keith Fleeer, Karl Koecher, Oswald LeWinter, George Williamson. In a departure from the norm and at the initiative of the IRO/DO, the following statement was included in the letter:

Although the FOIA does not require an agency to provide you with information, only records, ~~the Agency~~, as a matter of its discretion, will advise you now that CIA has never had any manner of employment, operational, or contractual relationship with Oswald LeWinter whatsoever.

11. (U) On 16 April 1999, Strickland wrote a second letter to Rauser stating that no responsive records had been located concerning the topic of the deaths of Diana ~~and~~ or Dodi Fayed.

12. (U) In a third letter on 19 April 1999, Strickland notified Rauser that the search for information concerning the deaths of Diana and Dodi was extended to cover records created or received between 6 March 1998 and 14 April 1999.<sup>3</sup> The letter explained that only one responsive document, a State Department cable, was located. The document was referred to the State Department for review and that agency's **direct response to Rauser**. The cable had previously been released by State, and in conjunction with this FOIA request, it was released again. The cable dated 18 November 1998 described briefly that a Pakistani man told the Regional Security Officer at the U.S. Consulate in Karachi that he knew, but could not prove, that the Union Texas Pakistan killings *[of four company*

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<sup>2</sup> (U) OIM presumed these individuals were U.S. citizens based on information furnished in Rauser's letter.

<sup>3</sup> (U) The presumption was that the initial search was to cover all CIA records in existence as of March 1998. OGC wanted to be sure that Al Fayed attorneys did not have cause to appeal the FOIA response based on a search of "old records" and thus this updated reply to cover the period 1998-1999 was prepared.

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auditors] in November 1997, the bombings in northeast Africa during August 1998, and the killing of Princess Diana were all connected.

13. (U//AIUO) **DCI Request for Records Review.** According to OIM officers, the DCI personally requested a records search on these same topics during December 1998. At that time, various DO databases and open source information was reviewed for any evidence that would support the accusations that CIA had "tracked" Lady Diana and Dodi. OIM officers stated that DCI Tenet was in London during December 1998 and requested the search as a result of his discussions with officers in the U.S. Embassy in London. That search yielded numerous unclassified newspaper reports but no substantive information regarding Lady Diana. The classified cables containing references to Diana mentioned her indirectly, such as her proposed travel plans, individuals who expressed interest in meeting her, or a notation that someone looked just like Diana.

14. (U) **Al Fayed's Lawsuit Against the CIA.** Al Fayed's attorneys initiated an ex parte application that resulted in a subpoena issued by the U.S. District Court for the District of Columbia on 5 February 1999 directing the CIA and the Defense Intelligence Agency to produce the same documents specified in the FOIA request of December 1998. Al Fayed's **Order Directing Issuance of Subpoenas** noted that *Premier Juge d'instruction Hervé Stephan* was then conducting an inquiry in Paris into the **automobile crash** that resulted in the deaths of Dodi Fayed, Lady Diana, and **Henri Paul**. As a party in that proceeding, Mohamed Al Fayed was seeking evidence concerning the deaths of his son and companions. The purpose of the subpoenas was to enable Al Fayed to take discovery in the United States for use in connection with the French inquiry.<sup>4</sup> CIA refused to comply, and the Department of Justice represented the Agency in filing a motion to quash. On 29 March 2000, the court issued an

<sup>4</sup> (U) The French judge closed the investigation in the Paris crash in September 1999, concluding that the accident had occurred because Henri Paul was drunk.

~~SECRET//X1~~

order vacating the subpoena and granting the CIA's motion to quash based on the conclusion that the court did not have jurisdiction to issue the subpoena.

15. (U//AIUO) **OIG Records' Review.** The Special Search Team in Information Management Staff (IMS), DO conducted a search of Agency electronic records during May 2000 in response to the current OIG inquiry. Full text searches were conducted of electronic documents for the following names and events, which were described in the letter from George Mitchell (of Verner Liipfert Bernhard McPherson and Hand) to Robert McNamara dated 16 March 2000:

1. Auto crash of 31 August 1997 in which Diana, Princess of Wales, and Dodi Fayed were killed.
2. Henri Paul, driver of automobile involved in the fatal crash, deceased.
3. Lionel Cherrault, London journalist.
4. Major James Hewitt, consort of Lady Diana.
5. Frank Klein, President of Ritz Hotel, Paris.
6. Le Van Tran, resident of Paris.
7. Nick Langman, British citizen, M16 agent.
8. Dominique Lecomte, pathologist, probably resident of France.
9. Gaby Leon, alleged former agent of Argentine Secret Service.
10. Barry Mannake, body guard employed by Mohamed Al Fayed, probably British citizen.

6/  
~~SECRET//X1~~

2 2 0

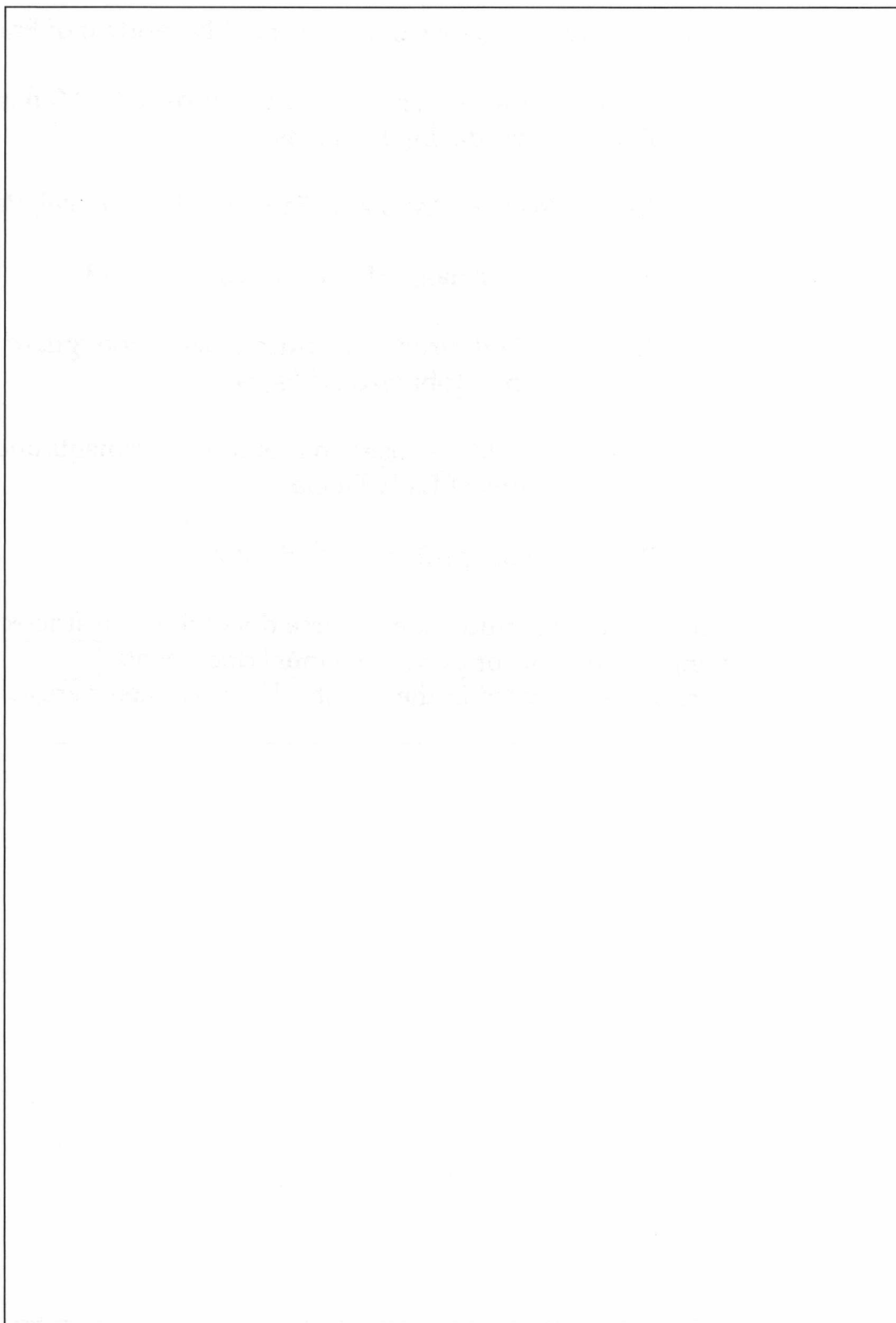
~~SECRET//X1~~

11. Gilbert Pepin, toxicologist, probably resident of France.
12. Trevor Rees-Jones, bodyguard employed by Mohamed Al Fayed, in car during fatal crash.
13. Claude Roullet, Assistant Manager of Ritz Hotel, Paris.
14. Richard Spearman, British citizen, MI6 agent.
15. Kes Wingfield, probably British citizen, bodyguard employed by Mohamed Al Fayed.
16. "Echelon system"—used to monitor movements and phone conversations of Lady Diana.
17. Pat McMillan, probably a U.S. citizen.

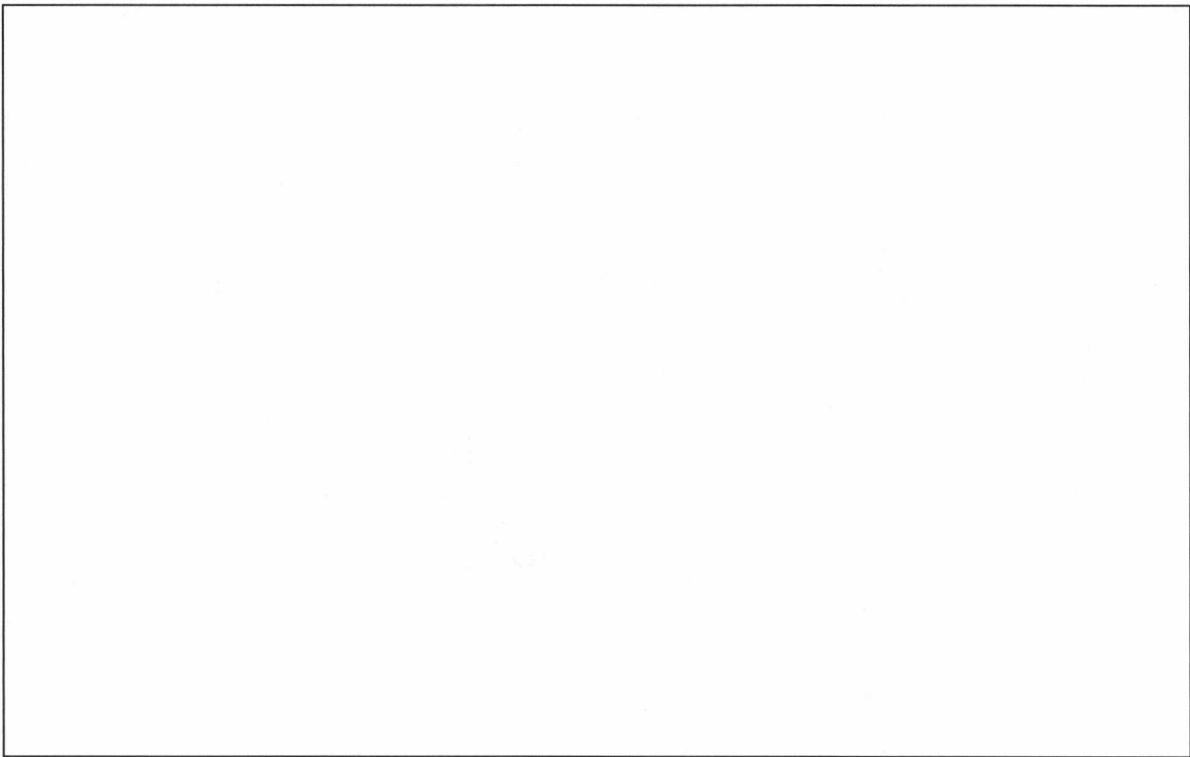
The search did not include open source documents, Restricted Handling documents, or privacy channel documents. ☐ documents were located in the search. The documents are as follows:

~~7  
SECRET//X1~~

B3-9

~~SECRET//X1~~~~8/  
SECRET//X1~~

R2-1A

~~SECRET//X1~~

17. (U) **FOIA Guidance.** CIA does not release to private individuals information concerning U.S. citizens (unless a Privacy Act waiver is obtained from the individual), foreign citizens, or intelligence activities.

9  
~~SECRET//X1~~

B3-11

New Note/~~Personalized~~Background  
DA(b) (1)  
(b) (3)  
(b) (5)  
(b) (7) (c)  
(c)From the Desk of [REDACTED]  
OIM/IRG/Public Information Release Division (Phone: [REDACTED])

NOTE FOR: [REDACTED]  
 FROM: [REDACTED]  
 OFFICE: DA/OIM/IRG/PIRD  
 DATE: 12/24/98 12:27:14 PM  
 SUBJECT: PIRD Weekly - Diana

- [REDACTED] Some readers may be aware of recent stories in British and American tabloids about CIA files on the late Princess Diana. The background is this: During the Spring of 1998, an APB news service reporter filed FOIA requests at NSA and CIA for records relating to the late princess. [REDACTED]

[REDACTED] NSA, [REDACTED]  
 [REDACTED] conducted a search, and in November it told the requester that it had located 1,056 pages of documents: 124 of NSA material, which it was denying, and 925 pages of other-agency material, which it was referring out. Even though the reporter received no records, she apparently believed that she had grist enough for a tabloid pot boiler, and provided a base story to several tabloids, each of which embellished it a bit and ran with it. The intelligence insiders referred to in the Star story below are undoubtedly a figment of the reporter's imagination.

New Note/~~Personalized~~

31B

New Note/Personalized

[REDACTED]

Incidentally, no mainstream press had picked up the APB story as of (date).

[REDACTED] (This paragraph is CLASSIFIED. The Star article is copyrighted.) [REDACTED]

[REDACTED]

[REDACTED]

OGC has also informed us that the DCI is briefed on the issues behind this request.

[REDACTED]

CC:

New Note/Personalized

~~CONFIDENTIAL~~

(b) (3)

TO: Martha M. Lutz@DCI  
FROM: [REDACTED]  
OFFICE: DA/OIM/IRG/PIRD  
DATE: 04/16/99 01:20:25 PM  
SUBJECT: Re: Update on Princess Di

Martha, [REDACTED] is correct. We made it abundantly clear to requesters that we would not search open source (I spelled out: no FBIS and no public media).

Thanks for pushing this through, Martha. I really appreciate it!

FYI, Bill McNair reported this morning that DO conducted its updated search and found no records. [REDACTED]

Original Text of Martha M. Lutz  
Original Text of Martha M. Lutz

We had originally tasked [REDACTED] for information on the Alcorn FOIA request. We went back to [REDACTED] and the [REDACTED] and asked them to conduct a new search from 7 August 1977 through the present to include "the circumstances surrounding the death of Princess Diana and the circumstances surrounding the death of Dodi Fayed." No records were located by the [REDACTED] found no CIA records but has not had time to search its open source files. Is it necessary that [REDACTED] does so?

CC: [REDACTED]

Sent on 16 April 1999 at 01:20:25 PM

~~CONFIDENTIAL~~

(8)

31C

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

(b) (3)

From the Desk of Britt Snider  
Inspector General

**NOTE FOR:** [REDACTED]  
**FROM:** Britt Snider  
**OFFICE:** OIG  
**DATE:** 03/03/2000 03:37:12 PM  
**SUBJECT:** Meeting with Senator Mitchell et al

[REDACTED] at the meeting with Senator Mitchell, David Kendall, and Doug Marvin (all representing Mohammed El-Fayed) this morning, they presented several issues of fact where they believed the Agency could conceivably have information. At the end of their presentation, I told them that we had, in fact, done a fairly extensive search of DO records two years ago, but that if they would provide us a list of names or data points again which to search these records, we would consider whether there were things we could do that might be useful. They agreed to do this, and it was left that David Kendall or Doug Marvin would be getting back to me with them.

I will bet you a dollar right now that nothing will come of this, but in the interest of being able to assure them we have touched all the bases, I thought we ought to be willing to do something. If you will come by to see my next week, I'll give you a few of the details from the meeting. Thanks.

**CC:** [REDACTED]

Sent on 3 March 2000 at 03:37:12 PM

38

24

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

(To be reported at: 36 F.S. 4694)  
(Cite as: 1999 WL 52357 (D.Md.))

Page 7

In re Application of Mohamed Al FAYED.

No. 99-35.

United States District Court, D. Maryland.

Feb. 4, 1999.

Sean Eskovitz, Williams & Connolly, Washington, Dc, for In Re: Application of Mohamed Al Fayed, movant.

# MEMORANDUM OPINION

SMALKIN, J.

## Background

\*1 Presently before the Court is the ex parte application, filed February 3, 1999, of Mohamed Al Fayed for an order directing the issuance of a subpoena to the United States National Security Agency (NSA), Ft. Meade, Maryland, requiring that agency (which collects electronic intelligence information related to the national security of the United States) to produce certain documents said to be in its possession. These documents are said to relate to Diana, late Princess of Wales, and to her companion, the late Dodi Al Fayed (son of Mohamed Al Fayed), and their deaths in a highly publicized automobile crash in Paris, France, in August, 1997.

A subpoena is also sought for NSA documents relating generally to a number of other individuals, including Mr. Mohamed Al Fayed himself and an assortment of figures of international intrigue, including a former Czech spy and a former alleged United States Central Intelligence Agency (CIA) operative. (As to the latter two, the application states that there have been criminal proceedings involving an incident that occurred in Vienna (Austria) in April, 1998, in which Mr. Al Fayed was allegedly the subject of a "shakedown" by the Czech spy and the former CIA operative relating to phony CIA documents concerning the deaths of the Princess and Dodi Al Fayed.)

In the application for the subpoena, it is stated that a news agency's request of NSA under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), for documents relating to the Princess and the

circumstances of her death resulted in a response indicating that NSA had such documents, many of which were released to the requestor by letter of November 5, 1998, but some of which were forwarded to non-NSA originating agencies for direct response. Others (39, to be exact) were withheld by NSA as classified under FOIA. These are sought now.

Finally, the Court is informed by the application that such documents would be admissible in the official inquiry into the deaths of the Princess and her companion being conducted in Paris by Premier Juge d'instruction Stephan. (It is not stated whether those proceedings are criminal or civil in nature; most likely, they defy common law characterization, given the vast differences between continental law and common law in the area of judicial inquests.)

## Procedural Considerations

The Court first notes that this is not a FOIA case. Rather, it is an attempt to obtain documents that have already been denied public release under FOIA by a different route, viz., 28 U.S.C. § 1782.

Section 1782 of Title 28 is one of two statutes conferring federal judicial power in connection with judicial proceedings in other countries. The first is 28 U.S.C. § 1781, which allows federal district courts to act on a letter rogatory from a foreign tribunal, officer, or agency. (That statute puts into effect the various conventions and protocols on letters rogatory set out following § 1781.)

Just as this case is not a FOIA case, this is not a case where a duly constituted foreign tribunal has made an official request, by letters rogatory or otherwise, to this Court under § 1781.

\*2 Rather, the applicant in this case invokes § 1782(a), which provides that the federal district court may order a deponent "to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal...." Certainly, the tribunal constituted in France under Juge Stephan is the type of tribunal to which the Court may give assistance under § 1782. See *In Re: Letters Rogatory from Tokyo*, 539 F.2d 1216, 1218-19 (9th Cir.1976). Furthermore, the Court will assume that Mr. Al Fayed is an

(To be reported at: 36 F.S. 694)  
(Cite as: 1999 WL 52357, \*2 (D.Md.))

Page 8

"interested party" under § 1782. Appl. of Esses, 101 F.3d 873, 875-76 (2d Cir.1996).

### Merits

Even where the procedural requirements for the issuance of a § 1782 order are satisfied, as here, case law recognizes that the district court has "wide discretion" when considering an application under § 1782. See Esses, 101 F.3d at 876; see also *Lo Ka Chun v. Lo To*, 858 F.2d 1564, 1565 (11th Cir.1988).

In this case, it would be a clear abuse of this Court's discretion to allow the present application. Obviously, what Mr. Al Fayed seeks to do is to make an end run around FOIA through the use of a § 1782 order. The Court recognizes that FOIA does not displace discovery in domestic civil litigation under the Federal Rules of Civil Procedure. See *Friedman v. Bache Halsey Stuart Shields, Inc.*, 738 F.2d 1336, 1344 (D.C.Cir.1984). But, as the *Friedman* court pointed out, where discovery is sought from the Government as a non-party, the courts "must accord the proper weight" to statutes and policies such as FOIA that exempt certain material from public disclosure. *Id.* In some ordinary civil cases, the appropriate procedure might be to conduct in camera review of FOIA-exempt documents sought in discovery, but even in camera review might not be appropriate in cases where classified national security information is sought. *Id.* The Court also notes that the broad discretion vested in the federal courts under section 1782 does not necessarily bind them to the same result that would be reached in domestic litigation under the Federal Rules of Civil Procedure.

The allowance of the present application, in this Court's judgment, would be extremely ill-advised, given the careful and detailed balancing of private and governmental interests recognized in FOIA. [FN1] Even if this request had come directly from Juge Stephan, this Court would be extremely hesitant to order the deposition duces tecum of one of the United States Government's most sensitive and classified operations, or the production of specific classified documents on the basis of the sort of assertions set forth in this application.

### Conclusion

Thus, in the exercise of this Court's discretion, it hereby denies the application of Mr. Mohamed Al Fayed for an order requiring the National Security Agency to produce certain documents. An Order will be entered separately, so providing.

### ORDER

\*3 For the reasons stated in the foregoing Memorandum Opinion, it is, this 4th day of February, 1999, by the Court, ORDERED:

That the application of Mohamed Al Fayed for an order directing issuance of a subpoena pursuant to 28 U.S.C. § 1782 BE, and it hereby IS, DENIED.

FN1. See *Administrator, Fed. Aviation Admin. v. Robertson*, 422 U.S. 255, 262 (1975) (observing that FOIA was enacted to "provide a more workable and balanced formula that would make available information that ought to be public and, at the same time, protect certain information where confidentiality was necessary to protect legitimate governmental functions that would be impaired by disclosure").

END OF DOCUMENT

36 F.Supp.2d 694  
(Cite as: 36 F.Supp.2d 694)  
<KeyCite History>

Page 1

United States District Court,  
D. Maryland.

In re Application of Mohamed AL  
FAYED.

No. 99-35.

Feb. 4, 1999.

Internationally known individual sought order directing United States National Security Agency (NSA) to produce certain documents relating to the death of individual's son and his companion in a highly publicized automobile crash. The District Court, Smalkin, J., held that individual was not entitled to production of classified documents which were previously denied to another party under the Freedom of Information Act (FOIA).

Application denied.

#### West Headnotes

[1] Federal Civil Procedure ⇐ 1312  
170Ak1312

District court has wide discretion when considering an application for documents under statute authorizing discovery for use in foreign tribunal. 28 U.S.C.A. § 1782.

[2] Federal Civil Procedure ⇐ 1312  
170Ak1312

Internationally known individual was not entitled to order directing United States National Security Agency (NSA) to produce classified documents relating to the death of individual's son and his companion in a highly publicized automobile crash, even for purposes of use in foreign tribunal's inquiry into such deaths, where another party's request for same documents was previously denied under Freedom of Information Act (FOIA). 5 U.S.C.A. § 552; 28 U.S.C.A. § 1782.

\*694 Sean Eskovitz, Williams & Connolly, Washington, DC, for Mohamed Al Fayed, movant.

#### MEMORANDUM OPINION

SMALKIN, District Judge.

#### Background

Presently before the Court is the ex parte application, filed February 3, 1999, of Mohamed Al Fayed for an order directing the issuance of a subpoena to the United States National Security Agency (NSA), Ft. Meade, Maryland, requiring that agency (which collects electronic intelligence information related to the national security of the United States) to produce certain documents said to be in its possession. These documents are \*695 said to relate to Diana, late Princess of Wales, and to her companion, the late Dodi Al Fayed (son of Mohamed Al Fayed), and their deaths in a highly publicized automobile crash in Paris, France, in August, 1997.

A subpoena is also sought for NSA documents relating generally to a number of other individuals, including Mr. Mohamed Al Fayed himself and an assortment of figures of international intrigue, including a former Czech spy and a former alleged United States Central Intelligence Agency (CIA) operative. (As to the latter two, the application states that there have been criminal proceedings involving an incident that occurred in Vienna (Austria) in April, 1998, in which Mr. Al Fayed was allegedly the subject of a "shakedown" by the Czech spy and the former CIA operative relating to phony CIA documents concerning the deaths of the Princess and Dodi Al Fayed.)

In the application for the subpoena, it is stated that a news agency's request of NSA under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), for documents relating to the Princess and the circumstances of her death resulted in a response indicating that NSA had such documents, many of which were released to the requestor by letter of November 5, 1998, but some of which were forwarded to non-NSA originating agencies for direct response. Others (39, to be exact) were withheld by NSA as classified under FOIA.

36 F.Supp.2d 694  
(Cite as: 36 F.Supp.2d 694, \*695)

Page 2

These are sought now.

Finally, the Court is informed by the application that such documents would be admissible in the official inquiry into the deaths of the Princess and her companion being conducted in Paris by Premier Juge d'instruction Stephan. (It is not stated whether those proceedings are criminal or civil in nature; most likely, they defy common law characterization, given the vast differences between continental law and common law in the area of judicial inquests.)

#### Procedural Considerations

The Court first notes that this is not a FOIA case. Rather, it is an attempt to obtain documents that have already been denied public release under FOIA by a different route, viz., 28 U.S.C. § 1782.

Section 1782 of Title 28 is one of two statutes conferring federal judicial power in connection with judicial proceedings in other countries. The first is 28 U.S.C. § 1781, which allows federal district courts to act on a letter rogatory from a foreign tribunal, officer, or agency. (That statute puts into effect the various conventions and protocols on letters rogatory set out following § 1781.)

Just as this case is not a FOIA case, this is not a case where a duly constituted foreign tribunal has made an official request, by letters rogatory or otherwise, to this Court under § 1781.

Rather, the applicant in this case invokes § 1782(a), which provides that the federal district court may order a deponent "to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal...." Certainly, the tribunal constituted in France under Judge Stephan is the type of tribunal to which the Court may give assistance under § 1782. See *In Re: Letters Rogatory from Tokyo*, 539 F.2d 1216, 1218-19 (9th Cir.1976). Furthermore, the Court will assume that Mr. Al Fayed is an "interested party" under § 1782. Application

of *Esses*, 101 F.3d 873, 875-76 (2d Cir.1996).

#### Merits

[1] Even where the procedural requirements for the issuance of a § 1782 order are satisfied, as here, case law recognizes that the district court has "wide discretion" when considering an application under § 1782. See *Esses*, 101 F.3d at 876; see also *Lo Ka Chun v. Lo To*, 858 F.2d 1564, 1565 (11th Cir.1988).

[2] In this case, it would be a clear abuse of this Court's discretion to allow the present application. Obviously, what Mr. Al Fayed seeks to do is to make an end run around FOIA through the use of a § 1782 order. The Court recognizes that FOIA does not displace discovery in domestic civil litigation under the Federal Rules of Civil Procedure. See *Friedman v. Bache Halsey Stuart Shields, Inc.*, 738 F.2d 1336, 1344 (D.C.Cir.1984). But, as the Friedman court pointed out, where discovery is sought from the Government as a non-party, the courts "must \*696 accord the proper weight" to statutes and policies such as FOIA that exempt certain material from public disclosure. *Id.* In some ordinary civil cases the appropriate procedure might be to conduct in camera review of FOIA-exempt documents sought in discovery, but even in camera review might not be appropriate in cases where classified national security information is sought. *Id.* The Court also notes that the broad discretion vested in the federal courts under section 1782 does not necessarily bind them to the same result that would be reached in domestic litigation under the Federal Rules of Civil Procedure.

The allowance of the present application, in this Court's judgment, would be extremely ill-advised, given the careful and detailed balancing of private and governmental interests recognized in FOIA. [FN1] Even if this request had come directly from Juge Stephan, this Court would be extremely hesitant to order the deposition duces tecum of one of the United States Government's most sensitive and classified operations, or the production of specific classified documents on the basis of the sort of assertions set forth in

36 F.Supp.2d 694  
(Cite as: 36 F.Supp.2d 694, \*696)

Page 3

this application.

FN1. See Administrator, Fed. Aviation Admin. v. Robertson, 422 U.S. 255, 262, 95 S.Ct. 2140, 45 L.Ed.2d 164 (1975) (observing that FOIA was enacted to "provide a more workable and balanced formula that would make available information that ought to be public and, at the same time, protect certain information where confidentiality was necessary to protect legitimate governmental functions that would be impaired by disclosure").

#### Conclusion

Thus, in the exercise of this Court's discretion, it hereby denies the application of Mr. Mohamed Al Fayed for an order requiring the National Security Agency to produce certain documents. An Order will be entered separately, so providing.

#### ORDER

For the reasons stated in the foregoing Memorandum Opinion, it is, this 4th day of February, 1999, by the Court, ORDERED:

That the application of Mohamed Al Fayed for an order directing issuance of a subpoena pursuant to 28 U.S.C. § 1782 BE, and it hereby IS, DENIED.

END OF DOCUMENT

8TH STORY of Level 1 printed in FULL format.

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CNN

SHOW: CNN BURDEN OF PROOF 12:30 am ET

August 30, 1999; Monday 12:30 am Eastern Time

Transcript # 99083000V12

TYPE: SHOW

SECTION: News; International

LENGTH: 4239 words

HEADLINE: Diana Crash Investigation: Is Mohammed al-Fayed Chasing the Truth or  
Mere Conspiracy Theories?

GUESTS: Gerald Posner, Laurent Vonderweidt, Ruth Wedgewood

BYLINE: Greta Van Susteren

HIGHLIGHT:

A grieving father searches for answers in the deaths of his son and Princess  
Diana. A look at whether Mohammed al-Fayed is chasing the truth or mere  
conspiracy theories.

BODY:

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE  
UPDATED.

(BEGIN VIDEO CLIP)

KEN BACON, PENTAGON SPOKESMAN: Mohammed al-Fayed, the father of Dodi Fayed  
who died in the automobile crash with Princess Diana, has asked that various  
documents be reviewed -- or his lawyers have asked that various documents be  
reviewed.

DAVID LEAVY, NATIONAL SECURITY SPOKESMAN: I understand that Senator Mitchell  
has asked Bob Tyre (ph), who is the chief of staff to Secretary Cohen, to review  
some documents given the ongoing interest in this matter, and he's doing so.

BACON: There's nothing in these documents that relates, in any way, to

## CNN BURDEN OF PROOF, August 30, 1999

information explaining the circumstances of the death of Princess Diana.

(END VIDEO CLIP)

GRETA VAN SUSTEREN, HOST: Today on BURDEN OF PROOF: A grieving father searches for answers in the deaths of his son and Princess Diana. Is Mohammed al-Fayed chasing the truth or mere conspiracy theories?

ANNOUNCER: This is BURDEN OF PROOF with Greta Van Susteren and Roger Cossack.

VAN SUSTEREN: Hello and welcome to BURDEN OF PROOF. Roger is off today.

Tomorrow marks a tragic milestone in Paris: the second anniversary of the car accident which claimed the lives of Princess Diana, her boyfriend Dodi Fayed and driver Henri Paul. Just two weeks ago, the Pentagon announced it would review its files for any information on the late princess. The request came from former Senator George Mitchell on behalf of Dodi Fayed's father, who doubts the collision in a Parisian tunnel was accidental.

Joining us today from Los Angeles is attorney Laurent Vonderweidt who practices law in both the United States and in France; and in Hartford, Connecticut, international law professor and Yale law Professor Ruth Wedgewood; and in New York, investigative journalist Gerald Posner, a contributor to "Talk" magazine; and Posner's interview with Mohammed al-Fayed chronicle's the grieving father's conspiracy theories about the 1997 crash.

And joining us here in Washington are Rachel Robinson (ph), Hayward Verdun (ph), and Sally Choate (ph). And in our back row, Megan Gray (ph) and Dominique de Leon (ph).

Gerald, let me go first to you in New York: Mohammed al-Fayed the grieving father, believes that there is a conspiracy. First of all, what is a conspiracy, and in your investigative piece, did you discover any evidence to support that theory?

GERALD POSNER, CONTRIBUTOR, "TALK" MAGAZINE: Greta, he has, really, a James Bond view of, sort of, this conspiracy; a wild Oliver Stone sort of sprawling conspiracy involving British intelligence in which the royal family gives an order to kill Diana, the motive being because she's about to marry his son, Dodi al-Fayed, or maybe she's pregnant with his child. And then British intelligence carries it out and they actually take the driver of the car, they set the path for him to drive, they get a motorcycle that goes along the side of the car so the car can't pull off the road.

An especially-built little white Fiat made by the CIA comes in, hits the Mercedes at the critical moment when it enters the tunnel in Paris, forcing it into this 13th column. And then, even if Diana had not died in the tunnel, they would have been prepared to kill her that night, eventually swapping the blood samples of the driver so it would appear that he was drunk, and that would be the official explanation.

In my investigation, three months, I've been through this in every way possible: not an iota of evidence to show that he's pursuing a real theory here. It's just felacious. There's nothing there to support a conspiracy, but I did turn up, surprising at least to me, bundles of evidence about the French

## CNN BURDEN OF PROOF, August 30, 1999

incompetence in, sort of, this investigation; a much shoddier investigation than I had expected when I first started.

VAN SUSTEREN: All right, well, let's pick apart this theory that Mohammed al-Fayed has, and let's start first with the issue of the pregnancy of Diana or not. That's an easy proof with an autopsy. Does the autopsy report indicate that she was not pregnant?

POSNER: That's what I understand, except the autopsy's not public and it's up to the British to release that.

One of the things that can be done here -- you know, the governments haven't been forthcoming -- the British government or the French government, in some ways, in releasing the documentation that might help quell some of these conspiracy items. And the British government has that in their hand. They have the autopsy report, it does show negative, in fact. As you know, I interviewed Louisa Fletcher de Lima (ph) who's the wife of the Brazilian ambassador, Diana's closest friend, her first-ever interview on the record, and she says without any question: Look, I was talking to her; I talked to her daily. This woman was not pregnant, just wasn't involved at the time.

But, of course, Fayed, because it hasn't been disproven in terms of scientific evidence, still is able to promulgate it out there.

VAN SUSTEREN: All right, Gerald, let's talk about the blood-alcohol level of the driver, Henri Paul. Was there anything that's, you know, suspicious about the blood-alcohol test that was done on Henri Paul?

POSNER: You know, Greta, Barry Scheck would have a wonderful time with this if he was in court. The problem here on the blood-alcohol level is that the driver was drunk, I'm convinced of it, but there's some questions about possible contamination in the way the French pathology team handled it.

First of all, when the body arrived, I found out that the body of the driver was not immediately put into a cooler and refrigerated. This is August, and in Paris it's warm. Then the blood samples, when they were taken from the body, compounded the error in that they were not refrigerated. We don't know if they were the standard preservatives inside the blood test tubes to be able to protect against this type of contamination. The French haven't released those results, and they're not in the file.

More than that, there's unexplained high levels of carbon monoxide which the French investigators have tried repeatedly to explain, first saying it must have come from the fact that he was smoking -- the driver. That doesn't explain the high levels he had. Then they said there was carbon monoxide in the car. That's not explained because Dodi Fayed, who died at the same time, has no carbon monoxide in his system. And now they're saying: Well, maybe it was the air bag. When it deployed, Henri Paul took half a breath before he passed away. Yet Mercedes, the manufacturer of the car, says our air bags don't give off any carbon monoxide.

So there's questions here of contamination. In a courtroom, they would have problems with this. But it's not what Fayed believes. Again, he goes too far. He says what they've done is they've swapped the blood samples. There's no evidence of that. He almost lets, I think, the French investigators off the

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hook by taking a theory so far afield that he let's them off for their own negligence that has happened here, which they're trying to cover up.

VAN SUSTEREN: But what different would it make if the body were refrigerated or not? Does that, in any way, contaminate the results of blood tests?

POSNER: It could. From the pathologists that I talked to, including Michael Bodinov (ph) you've had on BURDEN OF PROOF before, one of the leading forensic pathologists in the U.S. and the former coroner from New York City for years, he said you'd need to find out -- if that body was out before you took the blood samples -- and this was prior to the blood samples having been taken -- and it's not in an area where it's cool enough, it's possible for bacteria to start to take place that could, then, throw off the results and show a much higher blood-alcohol level.

That's possible, he said. We don't know because what we need to find out is, first of all, whether they had the standard preservatives in the test tubes. That's not clear, it's not going to be released by the judge -- the magistrate when he gives his final report. And, also, the French could dispel all of this if they tested for the evidence of contaminants inside the blood. Their testing shows none of that.

The actual autopsy that was done on Henri Paul, which I've had access to, which is still classified by the French, is a terrible job of an autopsy. It's riddled with errors, none of which, on their own, says to you, oh, fatal error here, but all of which, together, would give the equivalent of a French dream team a wonderful time in court to knock the investigative end on the forensics part.

VAN SUSTEREN: What about finding that Fiat Uno? Any luck with finding that automobile?

POSNER: You know, Greta, this is one of the -- the greatest mystery, probably, left over from all this is this little white Fiat Uno that hits the Mercedes, and it's clear because paint from a Fiat Uno of a certain period is left on the Mercedes, and rubber from a Fiat Uno of the same period is left on the Mercedes.

The French do this massive investigation, they actually find somebody in late '97, this young 23-year-old Vietnamese immigrant, and his car, by coincidence, had been repainted with a red primer the day after Diana had died. They take his car in, they do testing on it, they release him shortly thereafter. And the official reason they release him, according to an interview given by the head of the French criminal brigade to the "London Times" is: Well, we tested this car and it didn't match; the paint didn't match.

I've seen an internal report -- a spectrographic analysis of that paint that's classified, it's in the French file and it says that the paint from that Fiat is a precise match -- Bianco-Corfu 224 (ph) is the brand -- to the paint found on the Mercedes. The rubber from that Fiat is an exact match to the paint found -- to the rubber found on Mercedes. I have no idea as to why they let him go. That's something the French have to explain here.

VAN SUSTEREN: Has Mohammed al-Fayed attempted to interview this man or

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conduct independent tests on the Fiat? And what difference would it make discovering that this was, indeed, the Fiat?

POSNER: Well, I actually think it would be interesting. But if you discovered this was the Fiat, it would take away one of Fayed's big conspiracy claims because Fayed believes that the Fiat, incredibly -- he's just watched too many films on this -- was built by the CIA and was somehow a heavier-weighted Fiat that would be able to withstand a hit with a two-ton Mercedes and then be able to escape the scene.

If it just happens to be a motorist who was passing by and was unfortunately involved in this accident, then it would explain it in an accidental way. There's reasons for the motorist not to step forward. Leaving the scene of an accident like that is potentially a charge -- a criminal charge, a misdemeanor that the motorist could face in France. So, there are reasons he or she may not want to come forward.

But I think settling this issue is an important one, in many ways, to dismiss Fayed's claim. He's tried to get access to that Fiat, he's asked the judge for it. The judge has refused. The French laws are very strict on this. You cannot, as an individual, conduct your own investigation while the French are doing a full-fledged official criminal investigation or civil investigation. So Fayed's investigators have been banned from doing almost anything in France.

Now, when the magistrate issues his final report, Fayed is ready, as he told me in "Talk," to spend millions of dollars to send a team of investigators down to France, start to reinvestigate and reinterview all the witnesses, and start this from day one.

VAN SUSTEREN: All right, well, we're going to take a break.

Up next, the prosecutor has cleared the paparazzi, but will the judge accept the finding? Stay with us.

(COMMERCIAL BREAK)

(BEGIN Q&A)

Q: Of the 73,370 crimes reported in the state of Vermont last year, only one took place in the small town of Granby. What was it?

A: A bounced check. The man who wrote the \$300 check to cover the cost of six piglets still cannot be found and the case remains open.

(END Q&A)

VAN SUSTEREN: Thousands of British citizens placed flowers at the gates of Kensington Palace, this morning, as the anniversary of Princess Diana's death approaches. Earlier this month, the prosecutors' office in Paris determined there was not enough evidence to try nine photographers and a motorcycle messenger for their potential roles in the crash on August 31st, 1997.

Laurent, let me ask you first of all, what is it the prosecutor -- what has been the prosecutor's job in this investigation?

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LAURENT VONDERWEIDT, FRENCH LEGAL EXPERT: I think what you have to understand is you have the two judges, they are leading the investigation, and those two judges are going to issue a report whether or not to bring this matter to trial. And then if they decide not to go further, not to recommend to go to trial, then the matter is going to stop there, unless the family of the victims decide to appeal or if the district attorney find new facts that it believe will require to reopen the investigation.

VAN SUSTEREN: All right. Well, the -- from what I understand, is that the prosecutor has prepared a document that's entitled "for a release without charge." Is that a routine document, that after you conduct an investigation you elect not to pursue it further? VONDERWEIDT: It's routine. It's one of options they have. They can decide, as I said, they can decide to recommend that this matter goes to trial or they can recommend the matter to stop -- to stop here that the charge, based on the evidence they have gathered through investigation.

VAN SUSTEREN: And they then pass this report onto the judges. Is it typical for judges just to sort of sign off on it, or do they do their own independent investigation, Laurent?

VONDERWEIDT: No, no, it just -- the matter stops here. I mean, if they decide not to have this matter to go to trial, the judge -- there's no judge are going to decide otherwise.

VAN SUSTEREN: Ruth, how do -- contrast that, if you will, to how an investigation is done in the United States in a similar case.

RUTH WEDGEWOOD, INTERNATIONAL LAW EXPERT: Well, there's no judicial review of the prosecutor's investigation if he decides not to go forward, so here there's a little bit more accountability. But the basic difference is that in the French system the Jus Daslucione (ph) has the prime responsibility for putting on the case, accessing the case; it's not adversarial. So the kind of picayune flubs in a crime scene investigation that a defense lawyer in the U.S. may make great hay out of don't count as much; they don't have as much smoke and mirrors in the French legal system as you do in the American.

VAN SUSTEREN: Ruth, is this report that the prosecutor's prepared and which is now going to go to the judges for their decision, is that going to be made public?

WEDGEWOOD: I don't know. I would doubt that it will be made public in its pull depth, because a lot of the interviews and the witnesses would have revealed things -- might well have revealed things in confidence, but certainly some kind of public statement will be made.

VAN SUSTEREN: Laurent, is that public report, that once a judges have signed off on it, can I go read it someplace?

VONDERWEIDT: No, you can't. You are going to -- the only thing public is going to be the decision of the judge. The entire matter is not open to the public.

And just to add what one of your guests said, the main difference with the U.S. is that in France you don't have that we call the discovery process. I

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mean, the family, the victims cannot by themselves, through their attorneys, like they would do in the U.S., issue subpoenas, you know, get records, copy of records and documents.

VAN SUSTEREN: Gerald, what's this report, if it's not going to be made public, what is Mohamed al-Fayed, do you think, going to think about the integrity of the investigation?

POSNER: Oh, it'll bolster him in his conspiracy beliefs, Greta, because what -- the report, by the way, is supposedly -- the inside word is it's about 24 pages long. That's what we're going to get as the final report for two years of investigation on this. (OFF-MIKE) Warren Commission report with 26 volumes of appended testimony and documents.

All the things that we would like to see in terms of the testimony of the witnesses before the magistrate, what was happening in terms of the police investigation, what was happening in terms of the police investigation, what were they doing to find the white Uno, what does the forensic testings show, none of that will be available and won't be available now or in the future. You're going to have this little 24-page summary report as the wrap-up for the entire.

And that's not really going to satisfy a lot of people, especially in light of the fact that I think observers of this case, myself included, were surprised at the recommendation from the prosecutor not -- it was a recommendation not to pursue the manslaughter charges against the paparazzi, but there was no recommendation to even charge the two photographers who arrived very early on the scene, literally within 15 to 20 seconds of the accident, under the French Good Samaritan law, which is a very simple law to be charged under. It's a misdemeanor, in essence, that just says, if you happen by chance to pass the scene of an accident and make -- you don't make some effort, at least picking up your cell phone and trying to dial out, say I tried to bring some help there that evening, that you could be charged under that. That's a surprise to me that that wasn't even done here.

VAN SUSTEREN: Ruth, what about burden of proof? In the United States, to go forward it requires an incredible amount of information. I mean, in France, what's the burden of proof for this investigation to go on, should it go on?

WEDGEWOOD: It's not that different. You've actually seen the attempt in the International Criminal Tribunal in The Hague to try to reconcile the two systems, and one discovers that the burdens of proof aren't that different. But if it's the paparazzi, there's really no way to bring a case if there's no eyewitness to their behavior. And in the case of the good Samaritan, in the confusion of the immediate aftermath of an accident, to try to prove who shot John, and could he have called, and had somebody else already call, did he believe someone else had already called, that kind of moment-to-moment proof is very hard to put on if you don't have an eyewitness.

VAN SUSTEREN: Laurent, in connection with this investigation, are witnesses, have they been put under oath behind closed doors, their testimony recorded so that at least there's some record preserved?

VONDERWEIDT: Yes, and in fact, because the al-Fayed family was -- filed a lawsuit in conjunction with the criminal proceeding, they got access to some

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information and some of these, I will say, deposition of witnesses.

POSNER: As a matter of fact, Greta, all of the civil litigants in this, potential civil litigants, got full copies of everything the judge has and the internal reports, so that would mean the family of Diana, Shand Kydd, her mother, the family, Trevor Rees-Jones and his legal representatives, the family of Henri Paul, the driver, and Fayed got them as the survivor of his son. So four of the potential civil litigants all received it.

But the interesting thing is, I saw some of the testimony before the magistrate by the witnesses, and what's surprising by American legal standards is how gentle the magistrate dealt with these witnesses. It wasn't an aggressive cross-examination, really trying to shake out the inconsistencies and who saw what, and are you a pony witness, and are you trying to insert yourself into this story, but it was very much an, excuse me Mr. or excuse me Mrs., and I was surprised at how light that type of cross was with these witnesses in the internal reports.

WEDGEWOOD: If I can observe, Greta, American trial lawyers often mistake bluster for efficacy.

(LAUGHTER)

VAN SUSTEREN: Good point. Good point well taken. We're going to take a break. And up next, after a two-year investigation compiling several thousand pages of evidentiary material, French prosecutors are placing the blame at Henri Paul's feet. But will the legal legacy of this accident live on after criminal proceedings are closed? Stay with us.

(BEGIN LEGAL BRIEF)

When the syndicated "Divorce Court" television show returns this fall, it will feature real couples instead of actors.

(END LEGAL BRIEF)

(COMMERCIAL BREAK)

VAN SUSTEREN: A French state prosecutor believes driver Henri Paul is to blame for the accident which killed himself, Princess Diana and her boyfriend, Dodi Fayed. Paul had allegedly been drinking alcohol and had taken antidepressant drugs the night of the car crash. But even if no suspects are criminally tried for their roles in the accident, Mohammed al-Fayed's quest for answers could extend to a lengthy legal battle in France.

It's not just in France, Gerald, there are some documents that Mohammed al-Fayed believes are being held by the American government. Who does he claim is holding documents and what do you understand the information it contains?

POSNER: He is suing defense intelligence agency, CIA, FBI, NSA, for their documents. The NSA has admitted they have 39 documents, totalling 124 pages, I believe it is, of Diana information. What I understand most of that is, Greta, is security concerns about earlier trips Diana had taken to States, one time when they felt the IRA might actually make an attack against her, most of it is

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that.

I have also confirmed, though, in this piece that the NSA does have tape recordings of Diana with her friend Luccia Fletchdelina (ph), the wife of the Brazilian ambassador. And I absolutely believe that she was not a target of

NSA surveillance. They happened to be picked up incidentally as part of another investigation, but their disclosure will, of course, feed Fayed in his belief that the intelligence agencies of the world must have been spying on Di and giving this over to the British.

VAN SUSTEREN: Ruth, is it unusual that the American government has these documents about the British princess and Dodi al-Fayed.

WEDGEWOOD: Well, certainly, the FBI's work in providing security for people visiting, makes it logical for them to have a file on Diana as such, and the question of incidental overhears happens all the time. It is really quite common in a criminal case to have a criminal defense lawyer ask the government to turn over all prior defendant statements or witness statements, and you do a sweep, you do a search. And there's lots of incidental overhears from taps on trade offices or embassies or foreign persons who were involved in bad activities.

But the fact that someone is picked up means nothing. Americans are picked up all the time.

VAN SUSTEREN: You know, Ruth, you say it is just incidental, and you make it sound so casual. Why not just turn it over to Mohammed al-Fayed to sort of, you know, stop this thought that he thinks that the American government might be involved in some sort of conspiracy? Why not just give it to him?

WEDGEWOOD: Well, there's the wee little problem of sources and methods that you don't want to necessarily reveal where you had a wire tap or what you can pick up through walls and through concrete blocks. And, secondly, the precedent, that if you turn over them to one defendant or one interested grieving father, how can you deny it to other people.

So sources and methods are of the most sensitive issue for the defense community. You will see it even in the bin Laden case, the Sudan-Afghanistan bombings, they will not turn over sources.

VAN SUSTEREN: Laurent, will there be any civil cases -- what is called in the United States wrongful death cases, do you think -- associated with the Deaths in this accident?

VONDERWEIDT: Of course, the al-Fayed family can file a civil lawsuit. But, remember, the frustration and, regardless of the facts, the conspiracy theory is right or not, al-Fayed needs to come with some evidence. They can always file a lawsuit, but looking at the French legal system, if there's no charge against the photographers, it is going to be extremely difficult for them to prevail.

VAN SUSTEREN: All right.

POSNER: Greta, I actually...

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VAN SUSTEREN: Yes, go ahead, we have five seconds, Gerald. POSNER: Greta, I think Fayed is going to get sued by Trevor Rees-Jones, the surviving bodyguard, and maybe by Diana's family for wrongful death, since the driver was his employee at the Ritz.

VAN SUSTEREN: And there is a lot more to come, but that's all the time we have for now. Thanks to our guests and thank you for watching.

Tomorrow, we will be joined by the spokesman for Mohammed al- Fayed from London, John Macnamara. Join us then for another edition of BURDEN OF PROOF.

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HEADLINE: JOURNALIST GERALD POSNER DISCUSSES THE CONSPIRACY THEORIES AND FLAWS  
IN THE INVESTIGATION OF PRINCESS DIANA'S DEATH

ANCHORS: CHRIS MATTHEWS

BODY:

Earl SPENCER (Princess Diana's Brother): (From August 31, 1997) It is heart-breaking to lose such a human being, especially when she was only 36. This is not a time for recriminations, but for sadness. However, I would say that I always believed the press would kill her in the end. But not even I could imagine that they would take such a direct hand in her death, as seems to be the case.

CHRIS MATTHEWS, host:

Well, Balzac once said, 'Behind every great fortune lies a great crime.' The new theory seems to be, 'Behind every great tragedy lies an enormous conspiracy theory.' That was Diana's brother, Lady Diana's brother, Earl Spencer, accusing the press of killing his sister.

Joining me right now from New York is author and journalist Gerald Posner. Let me repeat my question. Does there have to be a conspiracy theory behind every tragedy today?

Mr. GERALD POSNER (Journalist, Author): You know, I think you hit the nail on the head, Chris. It seems as though there is all the time now. Even on JFK Jr.'s death, I just saw some postings on the Web the other day when I was going around...

MATTHEWS: Right.

Mr. POSNER: ...to see if anything new, that said there were gunpowder traces found on remnants of the plane. Absolutely false. It's just a false rumor put out there. It'll make the rounds and some fool will start to believe it, and we'll be off and running with a new theory.

MATTHEWS: Well, let's go with the one you've been working on with Talk magazine. You've raised--you've certainly gone after this guy, Mohammed Al Fayed, and you've interviewed him (visual of Talk magazine). He's, of course, the father of Dodi Fayed who was killed as the sort of the leader of the pack in that car race through Paris that cost the life of Princess Diana two years ago today. What's his beef? What's his ca--case right now?

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Mr. POSNER: Well, y--you know, Chris, he has a real James Bond theory of the sort of what I view the--you know, the--the wide Oliver Stone view of the conspiracy. It involves everybody and the kitchen sink.

MATTHEWS: Right.

Mr. POSNER: But he's very detailed. He says British intelligence ordered the actual murder. It was ordered by Prince Philip, the husband of the queen of England, because Dodi Fayed was about to marry Princess Diana, and the whole monarchy feared this Muslim marriage. And as a result of that, they brought in British intelligence, who told the driver how to drive down this route, and then they had a motorcycle driver, a secret agent, stop the car from exiting the road, while another specially built motorcar, a little white Fiat Uno, came next to the Mercedes, hit it at the critical moment when it entered the tunnel and made it crash into this pillar in the middle of the tunnel. And then to top it all off, they swapped the blood samples when they did the autopsy of the driver of the car so that it would look like he was drunk and covered up the entire murder.

MATTHEWS: Is Johnnie Cochran working for this guy or what?

Mr. POSNER: I was gonna say, he...

MATTHEWS: It sounds like one of his campaigns.

Mr. POSNER: ...he needs a Dream Team. If he had a Dream Team in Paris, they would have a lot of fun with this case.

MATTHEWS: Well--well, let's talk it--take it from the top here. It seems to me this argument that British intelligence--I mean, this is James Bond stuff, as you point out--was responsible. How--how does he account, Mr. Fayed, for the fact that the driver was accused of being drunk? He says he wasn't drunk, right?

Mr. POSNER: Yeah, he says he wasn't. And what's interesting here is I have no doubt that the driver was drunk and this is, in the end, a car accident that's largely caused by high speed and Dodi urging the driver to go faster...

MATTHEWS: Sure.

Mr. POSNER: ...and the paparazzi are chasing behind, making the car go even faster, and--and here's this drunken driver going into a hard-to-maneuver tunnel. But where Fayed actually goes too far is he says, 'OK, the blood was swapped.' There's not an ounce of evidence of that. But he does let the French investigators off the hook in some ways, because if you had Barry Scheck grab this case, if he was in a courtroom with it, he would really have a hell of a time, because the French did things that raised questions about contamination of the blood samples. When they got the body of Henri Paul, the driver, back to the morgue, they didn't refrigerate it, I found out, for a couple of hours.

MATTHEWS: Right.

Mr. POSNER: Then they didn't refrigerate the blood samples when they took them out. That's possibly a reason to c--for having contamination.

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MATTHEWS: Right.

Mr. POSNER: So, of course, Scheck would run with that for days. But I think here it's clear from all of the anecdotal evidence of witnesses and that, this man had a blood alcohol level that exceeded almost anybody's legal limit.

MATTHEWS: Well, Europe is notoriously short of ice for us visiting Americans. Maybe it's the same problem with--with regard to protection of--of blood supplies.

Mr. POSNER: With protection of blood samples as well.

MATTHEWS: Let me--let me ask you about this whole--let's--let's give Mr. Mohammed a break here and talk about the larger--well, i--'cause--it's interesting 'cause it's politics--the possible motives.

Mr. POSNER: Well...

MATTHEWS: Her--her position was pretty clear opposing land mines. Was there any interest that might have sought her demise because of her public stand?

Mr. POSNER: Oh, you know, absolutely not. I heard this the other night from Michael Cole, the former spokesman for Fayed, and he said, 'My God, she was against land mines, and have you heard anything about land mines since?' I mean, the young American woman, as you know, that he worked--she worked with won the Nobel Prize for that and nobody's knocked her off. And he said, 'Well, what if she was going to go on to next napalm? I mean, they were worried about it. The military-industrial complex had to stop her.' It's just preposterous. I mean, the--she was not a threat to anybody about land mines. She was out there doing this, but nobody w--I think, was taking notice of her except that she was making a little bit of progress, but not reason to kill her.

MATTHEWS: What about the ethnic card that he seems to be playing there, again, a Johnnie Cochran favorite here? But the race card, he's not--he's an Egyptian, he's not a European, therefore that explains it all?

Mr. POSNER: Well, two things interesting about that. There's no doubt that there's institutionalized racism in Britain, as there is in a lot of countries...

MATTHEWS: Right.

Mr. POSNER: ...and that Fayed is looked down upon because he's Egyptian, he's looked as sort of a bazaar trader. And there were a lot of people in England who were very upset, including the royal family, at the fact that she was even dating Dodi Fayed. But you--you know, Chris, in this piece, I interview her best friend, who's never spoken on the record before, the wife of the former Brazilian ambassador to the US...

MATTHEWS: Sure.

Mr. POSNER: ...and she says clearly Diana was not gonna get married. She needed, in essence, a marriage like she needed a rash on her face. She was

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having a nice summer fling. This wasn't a marriage. And the thing that Fayed overlooks when he talks about motive is Diana had a six- or seven-month affair with this doctor, Dr. Khan, who was also a Muslim, just a doctor inside of England.

MATTHEWS: He was a Pakistani, yes.

Mr. POSNER: Yeah, the Pakistani that she was crazy about. Nobody knocked him off.

MATTHEWS: Right.

Mr. POSNER: Nobody knocked her off at that time. So I--I find this a weak one.

MATTHEWS: Would--would this have happened--would she have been killed if she had been triv--traveling in the--in the protection of the British royal family?

Mr. POSNER: No, she would not have been killed. Again, s...

MATTHEWS: That's my answer. And if--if this was an average girl, say younger than her, and she was out with a new guy, dating him, and the guy at the wheel was drunk, who would you blame?

Mr. POSNER: I'd blame the--the family immediately. I'd say the--yeah.

MATTHEWS: Right. You'd blame--you'd blame the guy who took her out?

Mr. POSNER: That's right.

MATTHEWS: I think we gotta use common sense.

And we'll be back with more--hopefully more common sense on this point in a moment in HARDBALL.

(Announcements)

MATTHEWS: We're back with Gerald Posner, who's written a piece for Talk magazine about the whole question of who killed Lady Diana or Princess Di, or whether it was simply an accident, which it looks like it was (visual of Talk magazine).

Let's go back to Gerald Posner about this question of the French police. You know, in film, in movies, the French police always come off rather well. You know, in "The Day of the Jackal" or even in "French Kiss," which is a kind of a funny movie a few years ago with Kevin Kline and Meg Ryan, good guys, smart guys. Are they that good?

Mr. POSNER: Well, I'll tell you, at least here, Chris, they weren't. And I was a little disappointed to find this out, because I had the movie version as well of the French gendarmes.

MATTHEWS: Yeah.

Mr. POSNER: And I thought, you know, they crossed every T, dotted every I,

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this was a meticulous and thorough investigation. And, in fact, I found out it wasn't. I mean, it had all the mistakes of large investigations. They made errors and blunders from the very beginning. And part of it was, I think, they assigned, the French did, an elite group of criminal detectives to this case, and within 24 hours they were bored. They viewed it as a simple traffic accident with a drunken driver. It was beneath their dignity. These are the fellows who do terrorism, mass murders, m--complex fraud cases. They just didn't want to do it.

And the investigation shows all the earmarks of that. They didn't close off the scene at the time. You know, they took forever to get to the hospital. They bungled parts of the autopsy work. They may have bungled the--the effort to find the white Fiat that collided with the car. And it's just a shame because they've left things open here that, in the end, although they don't affect the result of how she died, Fayed and the conspiracy theorists will grab on to and say, 'Ah, they aren't just mistakes, those are deliberate and nefarious acts'...

MATTHEWS: Right.

Mr. POSNER: ...and they'll run with them.

MATTHEWS: Let's--speaking of running with it, let's try to nail one thing down tonight that everybody will remember. Driving 100 miles an hour through the streets of Paris, going in through an underpass like that, is extraordinary, right? I was just over there a year ago. I didn't see anybody going 100 miles an hour in Paris.

Mr. POSNER: No, no question about it. I mean, it would be like going down the FDR Drive here in New York where, you know, people going 50 and 60 miles an hour, and doubling that speed and trying to maneuver what is a very unsafe tunnel. When you do enter into it, it is very narrow. And I went through that very tunnel in a taxicab that was taking me through at about 50 or 55 miles an hour.

MATTHEWS: Yeah.

Mr. POSNER: And I will tell you, I held on in the backseat. So you double that speed and you're at breakneck speed.

MATTHEWS: What about this car you mentioned, the Fiat which had some Vietnamese passengers in it? What is the story about that mystery car?

Mr. POSNER: You know, this is one of the last real mysteries of the case, what happened to this little white Fiat that...

MATTHEWS: Right.

Mr. POSNER: ...collided with the Mercedes. And the French actually, I think, almost solved this in late '97. They found a car that was repainted red within hours of Diana's accident. And then they t...

MATTHEWS: What, an Errol Scheib job, a \$ 29 job overnight or what?

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Mr. POSNER: Yeah, well--w--i--i--I'll tell you, it's even worse than that. It turns out to be a red primer coat. It wasn't even an actual coat, they did it in a primer.

MATTHEWS: Right.

Mr. POSNER: It was a brother of the owner who works in a body shop who painted it with a couple of friends. Then they took samples and they tested it, and they released the car. Well, I got access to the French investigative files, and inside there is a report, spectrographic paint po--report, that says that the paint from that Fiat is an exact match to the paint scrapes left on the Mercedes, and the rubber from that Fiat's an exact match. So what I do in the article is I throw my hands up. I don't know why the French let that car go. I'm not sure why that isn't the car. It seems to me that that should be the car.

MATTHEWS: What's your next challenge? You've debunked the Kennedy assassination theories. You've debunked the Martin Luther King assassination theories in hardback. You've done this in a magazine article. I'm a big fan of yours, obviously, Gerald.

Mr. POSNER: Thank you, Chris.

MATTHEWS: What are you gonna debunk next?

Mr. POSNER: You know, I don't know if it's debunking, Chri...

MATTHEWS: You going after w--John Wilkes Booth, or what are you going after now?

Mr. POSNER: No, you know, I think I'm gonna do something more current. I don't think it's debunking, but I may do another article for Talk here. I may look into Waco a little bit--How's that?--and the FBI.

MATTHEWS: Well, that's unraveling, isn't it? What is your hunch about that? Are you surprised by this thing we've been talking about?

Mr. POSNER: Yes, absolutely.

MATTHEWS: That--the fact that the--that the good guys were not telling the straight story about this whole effort to bring them down.

Mr. POSNER: Y--you know, it's the worst possible thing. We often talk--and we've talked about this before, how the government is its own worst enemy.

MATTHEWS: Right.

Mr. POSNER: Even if, in fact, they're telling the truth that the incendiary devices had nothing to do with setting the fire and they were fired hours earlier at another building and the whole thing--no one's gonna believe it at this point.

MATTHEWS: No. They're gonna go back to Philadelphia a few years ago and think about ... (unintelligible) Village.

## CNBC News Transcripts, September 1, 1999

Mr. POSNER: That's right.

MATTHEWS: The same thing happened with the--the good guys going in with what they thought were smoke bombs...

Mr. POSNER: That's right.

MATTHEWS: ...which were, in fact, incendiary bombs which blew up a block in that case. And in this case, you're right, the mystery's still there. Did they, in fact, cause those fires?

Mr. POSNER: And it takes away everybody's credibility, from Janet Reno and Louie Freeh all the way down. And so these are the types of things that, you know, governments and agencies do. They--they make mistakes, they make errors.

MATTHEWS: Right.

Mr. POSNER: They make blunders. Then when they cover it up, and eventually it unravels and comes out, as it inevitably does, because you're looking at it, I'm looking at it, some other journalist is pursuing it, then I think it explodes in their face. And it's done that here in Waco.

MATTHEWS: Let's take a look at some deep history, as people like Albert Stern liked to say. Let's talk about why people like conspiracy theories. We have a minute or two here, and I want you to take some time. Certainly, Oliver Stone's made a bundle and become quite a celebrated filmmaker by making up these--I think, making up these stories about Nixon get--and LBJ killed Kennedy, the whole mess, we're all familiar with it. He's gonna now do it--he's got the--King's family involved in it.

Mr. POSNER: Right.

MATTHEWS: He's going after and say all the--all the white guys, I guess, killed the--the--Martin Luther King. I mean, it's a horrendous accusation, but he's gonna make it. He always does. What do you--what do you think is it in our national appetite for this sort of conspiracy theory at--for all occasions?

Mr. POSNER: I--I think it's t--a combination of two different factors. One is this slow loss of faith in government and institutions that started with Jack Kennedy's death, clearly, and then accelerated through Vietnam and the lying about Vietnam, and what happened over Iran-Contra and Bobby and Martin Luther King, and when we heard about Watergate. So there's been this tremendous loss of faith...

MATTHEWS: Yeah.

Mr. POSNER: ...that the government lies to us all the time about every issue. And then the other thing is--I think, is this part where somebody dies young who happens to be a celebrity or a public figure or a politician, there's a desire to explain away that death, whether an accident, a car wreck or a plane crash or an assassination, with something greater than just a 24-year-old sociopath like a Lee Harvey Oswald.

MATTHEWS: Right.

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Mr. POSNER: You want to put it in a conspiracy because it almost makes you feel as though there's something in that death that was worth dying for.

MATTHEWS: Yeah.

Mr. POSNER: But in the end, often, accidents and single assassins do happen. We know that; history is replete with them. Even though today in 20th century America, we have great difficulty accepting the simple explanation of how somebody can die.

MATTHEWS: And it's hard to accept the fact that a great winner like John F. Kennedy was killed by such a loser, as you put it.

Mr. POSNER: That's the problem. That's right. You--you look at a--the sociopathic 24-year-old loser...

MATTHEWS: Right.

Mr. POSNER: ...you want to give something heavier on the scale and conspiracy does it...

MATTHEWS: Exactly.

Mr. POSNER: ...very nicely, even if it's not true.

MATTHEWS: Gerald Posner, you've done it again. Thanks for joining us on HARDBALL.

Mr. POSNER: Thanks, Chris.

LANGUAGE: English

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CNN

SHOW: CNN BURDEN OF PROOF 12:30 am ET

August 31, 1999; Tuesday 12:30 am Eastern Time

Transcript # 99083100V12

TYPE: SHOW

SECTION: News; International

LENGTH: 3429 words

HEADLINE: Princess Diana Crash Probe: Two Years Later, the Investigation and  
Controversy Rages On

GUESTS: John Macnamara, Edwin McPherson, David Schertler

BYLINE: Greta Van Susteren

HIGHLIGHT:

Twenty-four months after the accident which claimed the life of Diana,  
controversy still surrounds the investigation of her death. A look at the case  
made by Mohammed al-Fayed against the governments of Britain and the U.S.

BODY:

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE  
UPDATED.

(BEGIN VIDEO CLIP)

EARL SPENCER, PRINCESS DIANA'S BROTHER: It would appear that every proprietor  
and editor of every publication that has paid for intrusive and exploitative  
photographs of her, encouraging greedy and ruthless individuals to risk  
everything in pursuit of Diana's image, has blood on his hands today.

SIR MICHAEL JAY, BRITISH AMBASSADOR TO FRANCE: Tonight's accident is a  
terrible tragedy. The death of the princess of Wales fills us all with deep  
shock and with deep grief.

SPENCER: It is a point to remember that of all the ironies about Diana,

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perhaps the greatest is this: a girl given the name of the ancient goddess of hunting was in the end the most hunted person of the modern age.

(END VIDEO CLIP)

GRETA VAN SUSTEREN, CO-HOST: Today on BURDEN OF PROOF: Two years after the death of a princess, the investigation and the controversy rages on.

ANNOUNCER: This is BURDEN OF PROOF with Greta Van Susteren and Roger Cossack.

VAN SUSTEREN: Hello and welcome to BURDEN OF PROOF. Roger is off this week.

Two years ago today, the world was stunned by the news of a tragedy in the streets of Paris. A Mercedes automobile smashed into a pillar inside a tunnel. The passengers in the vehicle included the driver, Henri Paul, the son of a wealthy businessman, Dodi Fayed, his bodyguard, and, most notably, the princess of Wales. Flowers and photographs of the fallen princess decorate the gates of Kensington Palace today.

Twenty-four months after the accident which claimed the life of Diana, controversy still surrounds the investigation of her death.

Joining us today from London is John Macnamara, director of security at Harrods Department Store. And in Los Angeles, civil litigator Edwin McPherson. And here in Washington, Terry Jones (ph), former federal prosecutor David Schertler and Spencer Carr (ph). And in our back row: Emily Nolte (ph) and Ruth Arias (ph).

John, let me go first to you in London. How is Mohammed al-Fayed spending this tragic anniversary?

JOHN MACNAMARA, DIRECTOR OF SECURITY, HARRODS DEPARTMENT STORE: Mr. al-Fayed has come to Harrods, as he has done every day since the tragic crash. There are books of remembrance at Harrods, where a lot of people are now queuing up to sign them, and actually people, a lot of people tending the memorial to Dodi and Diana in the basement of Harrods.

VAN SUSTEREN: John, the investigation goes forward in Paris, and I know that Mohammed al-Fayed has some disagreements with it. But let me start at the beginning. Let me ask you to give an overview of what Mohammed al-Fayed thinks happened two years ago and where the investigation is headed?

MCNAMARA: Mr. al-Fayed makes no secret of the fact that he believes that Diana, Princess of Wales, and Dodi Fayed were murdered. This was no tragic accident, it was a plot, in his view, involving the security services, firstly, in Britain, and it would now appear touching upon the United States of America as well.

There are so many reasons for his belief, and I can understand his belief. If I could just run through a few of those that touch upon the security services.

VAN SUSTEREN: Go ahead.

MCNAMARA: Firstly, the judge in Paris asked the British embassy in Paris what

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surveillance, if any, was kept upon Diana, Princess of Wales, during the day leading up to the crash. Their response was that they knew nothing even of her presence in Paris until after the crash. That's something which is absolutely unbelievable, given that a senior MI6 agent was posted to the embassy only two weeks before the crash itself.

That gave rise to a number of questions, not least of which came from an approach that was made to Mr. al-Fayed through me and our lawyers in the United States by a very prominent U.S. lawyer by the name of Keith Flair (ph). Keith Flair told us that he was in contact with senior former and serving CIA agents who had documentary proof that MI6 had approached CIA with a view to putting together an assassination team to kill the princess of Wales and Dodi al-Fayed.

I had long discussions with Keith Flair, and this was done under the supervision of the FBI in Washington and, in fact, the CIA. Flair insisted that the documents, which they wanted a \$20-million sum for, were in fact genuine, so we were faced with a prominent lawyer who was either peddling secret U.S. documents or was committing a fraud. He insisted it was not a fraud.

Flair arranged through another man, Lawinter (ph), for me to meet with this former CIA agent in Vienna, Austria, where he was together with a six-man team. I met him and accompanied, or under the surveillance at that time of the FBI, the CIA and the Austrian secret police. Lawinter was arrested for fraud, because at that time the documents which he produced which showed that the MI6 agents in London had approached CIA in Washington to put together an assassination team, they were in his possession, CIA apparently wanted nothing to do with it but recommended them to a Mossad team, an Israeli team, who were the K-team operating out of Geneva, Switzerland.

VAN SUSTEREN: All right, let me just stop you right there and ask you a question. What would be the motive, or what does Mohammed al-Fayed believe to be the motive of MI6. We had Gerald Posner on our show, yesterday, who said that he thought the investigation was very sloppy but he could not find any reason for a conspiracy. What would be the motive?

MACNAMARA: The difficulty we have is that MI6 don't seem to be accountable to anyone. We didn't know who controlled MI6. Recently, there was a parliamentary debate where a leading member of parliament asked for these questions to be answered. He asked for a parliamentary debate into the accountability of MI6. If -- if it was suggested that Dodi al-Fayed was to marry Diana, princess of Wales, and become the future stepfather of the future king of England, this would clearly be unacceptable to the British establishment.

VAN SUSTEREN: Are these -- are these documents -- and we're going to talk about it a little bit more in the show and the lawsuit that's related to it, the civil lawsuit, here in the United States -- but do you know whether or not these documents support a -- Mohammed al-Fayed's conclusion that there's been a conspiracy?

MACNAMARA: Well, let me tell you this, that Lawinter is an elderly man suffering from very bad health, and he was sentenced eventually to four years imprisonment for his part in this in Austria, and in fact he is still serving that imprisonment. I went to see him fairly recently, and he told me that these documents, whilst they are forgeries based upon genuine documents held at

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CIA-Langley in Washington, he told me he had nothing left to lose. He is an old man in very bad health. He doubts whether he will ever return to the United States.

We are simply trying to seek discovery of these and other documents, if those documents exist. Since then, there has been a complete cover up by the U.S. authorities to prosecute Flair or anyone else in the United States. Eighteen months has past, and although our lawyers have suggested a multitude of charges that can be preferred against them criminally, not one move has been made by the U.S. attorney's office in Washington. This given that there's abundant evidence against them of fraud, if nothing else. We believe that this is a cover-up by the U.S. authorities to deny us what is in files in Washington.

VAN SUSTEREN: All right. We're going to take a break. Up next: As the al-Fayed family searches and grieves, some may be trying to take advantage of them. Find out how Dodi's survivors are fighting back in court when we come back. Stay with us.

(BEGIN LEGAL BRIEF) The body of the first victim of serial killer "Jack the Ripper" was found on this day in 1888. There would eventually be five victims. No suspect was ever apprehended.

(END LEGAL BRIEF)

(COMMERCIAL BREAK)

VAN SUSTEREN: Two years ago today, as the tragic news stunned the world, the al-Fayed family began grieving over the loss of a son. Since Dodi Fayed was killed in the car crash with Princess Diana, his father has searched the globe for answers. But not all the information passed along to Mohammed al-Fayed has been authentic.

Edwin, let me go to you. We've just heard John talk about the apparent -- the allegation that Mohammed al-Fayed has been in some ways, I guess the best term is swindled. We know the facts, still, will have to be debated in court but he has filed a complaint in a court in California called a "complaint for fraud and infliction of emotional distress." What does that mean, Edwin?

EDWIN MCPHERSON, CIVIL LITIGATOR: Basically, Greta, that means that, as I think you heard John talk about Keith Fleer, who is a prominent lawyer in Los Angeles who has been named in the suit, he is the first defendant. Apparently, the suit discusses a conspiracy essentially to commit fraud upon Mr. Fayed, essentially saying that they forged these documents and tried to essentially get some money from him, \$20 million I believe the complaint says, in return for these documents that supposedly proved that there was a conspiracy.

VAN SUSTEREN: Can you give us sort of an overview. The complaint has been filed on July 19th of this year. But can you give us sort of an overview of how long it will take for the case to proceed to trial?

MCPHERSON: Yes, in general, Greta, it was filed in Los Angeles Superior Court, in general in Los Angeles Superior now, cases are taking approximately one to two years to get to trial. In a case of this magnitude and this

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complicated, I imagine there will be depositions perhaps all over the world. I imagine it would be on the later end of that, probably two years, to get to trial depending on the judge.

VAN SUSTEREN: David, Mohammed al-Fayed has filed this civil case in California, but the allegations underneath it are almost criminal in nature, yet the United States Attorney's Office, at least so far, has not acted. What would it take to get the United States Attorney's Office want, in general, to prosecute criminally?

DAVID SCHERTLER, FORMER FEDERAL PROSECUTOR: Well, if what they say is true in the civil case, there are definitely criminal violations here, federal criminal violations. And, to be honest with you, I think, based on the evidence alone from reading the civil lawsuit that was filed, I think there's already enough. I would be surprised if there isn't an assistant U.S. attorney with a team of FBI agents who is not investigating this already. But they are probably taking their time, and they are probably trying to do a thorough investigation to see if they have enough evidence to bring criminal charges against anybody. But I would assume that there's an ongoing investigation as we speak.

VAN SUSTEREN: John, has U.S. Attorney's Office indicated why it has not, at least so far, brought charges? Do they disagree with the version of events in the civil complaint? Have they given Mohammed al-Fayed any reason?

MACNAMARA: No. When I was in Vienna with the FBI and the CIA, once Lawinter was arrested, we expected within a matter of hours that Fleeer and his accomplices would be arrested, if only to secure telephone records, to secure documentation and important witnesses.

The reality is, as far as we are concerned, nothing whatsoever has happened on the criminal side, despite all of the evidence, and it is not a complicated case. It is a very simple matter, and it is something that they should have prosecuted a long time ago. We are 18 months on, and they will never give us any reason whatsoever why they are not proceeding criminally. We believe this is a cover-up.

VAN SUSTEREN: John, I guess that if documents are true as to what these people are saying they are, then there would not be a fraud or a possible crime. So do you know whether or not these documents were fraudulent or what kind of evidence do you have?

MACNAMARA: Well, it's up to the CIA to come out and say whether they are based on genuine documents or not. If they are based on genuine documents, then of course that is a crime of peddling secret U.S. material.

SCHERTLER: Greta, if I could just respond. In a criminal case, especially what we call here kind of your classic white-collar case involving fraud, there are always a lot of -- they may be doing exactly the kinds of things that John is talking about through the grand jury, subpoenaing telephone records and all kinds of documents and bringing witnesses in and talking to them, but there's always a big question about who knew what, and who really had guilty knowledge, especially when you are dealing with an array of people, as we are in this alleged conspiracy.

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I think it makes sense for a prosecutor to kind of take their time, sort things out, make sure that they know what they are doing before they jump out and arrest people. And, generally, that's what a federal prosecutor will do. They will take their time, they will come back with indictments, and then proceed through indictments.

VAN SUSTEREN: What, specifically, would you want to know? What are the kinds of questions you would ask or the evidence you would want before you made a decision to go forward and to charge this as crime?

SCHERTLER: Well, just exactly what you said. Do we know for sure that these were forged documents? If we do...

VAN SUSTEREN: Assume they aren't forged though, John says then that they are classified, you know, then there's a problem there as well.

SCHERTLER: Then you get into a whole problem in terms of what kind of information can we get to -- can the prosecutor get to show that these were, in fact, forged documents and not authentic. But there are mechanisms for prosecutors to get that kind of information from the intelligence agencies, and that's been done before. But assuming that these documents are not authentic, that they are forged, and the prosecutor can find that out, then who was involved? Who knew about it? Who actually took actions to try to get money in exchange for these false documents? Once you have that information, and I think what I would try to get is maybe one of these people to, you know, turn states evidence and corroborate.

VAN SUSTEREN: And you know what is sort of curious to me. John, where did these acts occur, because if they occurred in Vienna, it may be that this is not a U.S. prosecution? Did any allegations that Mohammed claims are criminal, did they occur in the United States?

MACNAMARA: No. Contrary to what the gentleman just said, this was done under the supervision at the time of the FBI and the U.S. Attorney's Office. All the offenses were committed in the United States.

For example, we were told to wire \$25,000 to New Mexico to send these agents to Vienna. That was done on the instructions of Flair and Williamson. The U.S. Attorney's Office told us to go ahead and wire the money because once we'd done that we have a wire fraud. We don't need to go any further...

VAN SUSTEREN: So why aren't they...

MACNAMARA: ... We can prosecute these people at once.

VAN SUSTEREN: Why, John, then, if they have sort of helped this along, why is it that the U.S. government is telling you: We have not yet returned -- or at least sought an indictment?

MACNAMARA: Well, we are talking of 18 months. We can talk all about they need to gather material. They already have the material. It was done at the time under their supervision. They have the evidence. They have the players. They are not moving because I believe there's a cover-up in the United States as to what is on file in the CIA.

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VAN SUSTEREN: And we are going to discuss that right after the next break. The U.S. government does has some documents. Mohammed al-Fayed wants them. But the United States says no. Stay with us.

(BEGIN Q&A)

Q: Why was New York City Mayor Rudy Giuliani in Manhattan Supreme Court yesterday?

A: The mayor was picked to be jury foreman in a civil case. Court reforms adopted in 1996 eliminated most exceptions to jury service. Giuliani is a former prosecutor.

(END Q&A)

(COMMERCIAL BREAK)

VAN SUSTEREN: Welcome back to BURDEN OF PROOF. Before we get to the issue of the Freedom of Information Act request by Mohammed al-Fayed.

John, let me ask you a question, Mohammed al-Fayed is suspicious about a former MI-6 agent. What is his theory or his suspicion?

MACNAMARA: There's a man by the name of Richard Tomlinson (ph), who is a former MI-6 agent, who asked to see Judge Stephan in Paris, to tell him three things: Firstly, this crash mirrored a plot that MI-6 were to execute against President Milosevic, where he would be chased into a tunnel, the driver would be blinded by a laser flash and the crash would be fatal insofar as there would be no witnesses whatsoever as to what happened.

That was one thing of course that was never executed. But, secondly, he said that Henri Paul, the driver of the car, was in the pay of MI-6 and receiving large sums of money; and, secondly, that one of the paparazzi was an MI-6 contact.

Now, shortly two days after giving that evidence to the judge, Tomlinson flew to New York at the invitation of NBC to broadcast this to the United States. On arrival, he was dragged off of the plane by U.S.-FBI officials, he was handcuffed to a chair, he was kept for some hours and then sent back to England without touching the shores of the United States.

Is this the action of a country that's supposed to have freedom of speech, where they're acting under the instructions of MI-6, not to let this man broadcast what he knows and believes to be true?

VAN SUSTEREN: David, let me ask you a question. Let me ask, David Schertler a question.

David, I mean, there's a lot of suspicions, a lot of questions in every investigation. It seems to me that one of the issues here -- Mohammed al-Fayed wants some information that the U.S. government might have, but the U.S. government has declined to turn over these documents. How does someone go about getting documents from the government?

SCHERTLER: Well, oftentimes you can't get documents from the government.

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There's this Freedom of Information Act. It's a law that allows people to make requests of any government agency for documents. But, within that law, there are a lot of exceptions of documents that won't be released. And certainly any kind of investigative or classified intelligence information is clearly subsumed in those exceptions to the rule. You just can't get those documents unless you're a -- unless there's a very compelling reason. This doesn't rise to that kind of compelling reason. VAN SUSTEREN: Edwin, you know there are lots of times in investigations when don't have information, you sort of fill the void with all sorts of ideas of how things might occur, might not. Why not, in this particular case, if the U.S. government does have these documents, why be so rigid in terms of saying we don't have to turn them over, so we are not going to? From a policy standpoint, why not just turn them over?

MCPHERSON: Well, that's a good question, Greta. And I can't speak for the government, I've never worked for the government. But certainly, as the other attorney said, there are issues of national security sometimes, there are other issues and various exceptions to FOIA, they don't have to do it, they don't want to do it, they think that it would cause more harm than good, oftentimes.

VAN SUSTEREN: In the 20 seconds we have left, Dave, do you think we'll ever get the answers -- whether Mohammed al-Fayed will ever get the answers he wants, the government wants?

SCHERTLER: I don't think that the -- what Mr. al-Fayed is looking for here exists; I think it's rank speculation. It's fueled by the fact that there's money out there, so that people -- it's an environment where people create stories and the media gets a hold of it and it takes on a life of its own. The conspiracy theory is just too far fetched.

VAN SUSTEREN: All right, that's all the time we have for now. Thanks to our guests and thank you for watching. Join us again next time for another version of BURDEN OF PROOF. We'll see you then.

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LANGUAGE: ENGLISH

LOAD-DATE: August 31, 1999

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SHOW: CANADA AM

September 1, 1999 7:14:30 - 7:19:15 Eastern Time

LENGTH: 1037 words

HEADLINE: Cause of Diana's Car Crash Still Unknown Two Years Later

ANCHOR: Valerie Pringle

GUEST: Gerald Posner, Author and Journalist

BODY:

PRINGLE: It's been two years since the Paris car crash that killed Diana, Princess of Wales. And now there are flowers and toys and photographs, once again, although far fewer, decorating the gates in front of her former home at Kensington Palace in London.

With us to talk about the crash and the investigation and what has happened since, author and journalist Gerald Posner who wrote a piece on this in Talk Magazine is with us from New York.

Good morning.

POSNER: Good morning, Valerie.

PRINGLE: The longest and most expensive car accident investigation in history. And the judicial investigation I guess over within a day or so. What have they found? Who's responsible?

POSNER: In the end they found the same thing they found in the beginning, which is they think: a drunken driver, car accident inside the tunnel, they're going to blame Dodi Fayed probably for egging the driver to drive a little bit faster. And, let the paparazzi off the hook entirely. And that's the surprise here.

Two years, as you said, the most expensive investigation ever. We thought this was meticulous and detailed and was going to come up with all the goods. And instead, it turns out to be bungled, filled with errors, they don't answer key questions, like what about that little white Fiat that supposedly hit the car as it entered the tunnel? I think there are a lot of problems here -- more than we had expected.

PRINGLE: So the lawsuits and the appeals begin and, what, the conspiracy theories then are allowed to live on because this looks so inept?

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POSNER: I think the conspiracy theories do continue to thrive. As you know, I sat down with Mohamed Fayed, the father of Dodi Fayed. And he surprised me.

I knew that he had a conspiracy theory, that he thought his son had been killed and that Princess Diana had been killed. What surprised me was the extent to which --

PRINGLE: By --? And he's blaming -- sorry -- he blames --?

POSNER: British intelligence and the Royal Family. He's very specific. As a matter of fact, in the article he actually accuses Prince Philip, the husband of the Queen, of giving the death order. He talks about in detail how British intelligence told the driver how to go along this route, how this little white Fiat that's still being looked for by everybody he thinks was specially built by the CIA, it hit the car at the key moment, causing the car to lose control. And then the French and British intelligence sort of swapped the blood samples of the driver so that it would look as though he was drunk and everyone had an easy explanation. That's his current theory.

You know, before, I heard you talking on the program about websites and what was happening. There are about 1,500 websites given over to today on the Internet Diana conspiracy theories. So, Fayed whose hands have been tied because the French have been doing their investigation -- they won't let him conduct his own at the same time -- is now that the French are wrapping up going to spend millions of dollars sending his own investigators to France and try to fill this theory in. I think we're going to have the conspiracy theories grow.

PRINGLE: And yet, basically the judicial report on the part of the French says that Fayed's driver, Henri Paul, is to blame. Therefore, I guess, his hotel. Also his son, for poor judgment. So it's possible that Trevor Rees-Jones or the family of Diana -- all those people -- could legally come after Fayed while he's trying to blame everyone else.

POSNER: You know, Valerie, what you just said is a key point. When I first got into this piece -- and I'm a lawyer, also -- I thought this is a funny story. Fayed just thinks it's a conspiracy because he's trying to avoid legal liability, he's afraid that Trevor Rees-Jones and maybe the family of Diana is going to sue him for wrongful death since he owns the Ritz Hotel which employed Henri Paul, the driver.

But actually when you sit down with him you find out he's absolutely sincere. He really believes this theory. And in addition -- I did a little research in France -- it turns out that wrongful death judgments of the type that Trevor Rees-Jones and the others could file get very small judgments in France. Fayed can't be sued personally. The hotel is covered.

CTV Television, Inc. CANADA AM September 1, 1999

The thing that the French have done I think in botching this investigation -- and you know a lot of this -- they botched it from the evening of the accident. They didn't control the accident scene, they let tourists come in there for nearly an hour and walk all over the scene and take pictures, they let the doctor who treated Diana leave without ever getting his name or address initially, they let maybe up to ten of the photographers leave the scene and never found them. Pictures of Diana in the car got out, where they were all supposed to be confiscated --

PRINGLE: Hang on, Gerald. We've only got about a minute left. There are a couple of things I want to get to: a) you've seen pictures. Do you think more pictures will come out now?

POSNER: No question. I was offered pictures, as a matter of fact, showing Diana within the minute after the accident took place. Her head is slightly back, she cut over her left eye, her eyes closed. Those were offered to us and Talk Magazine for two million dollars. We obviously said no. But somebody is going to pay a price for them eventually.

PRINGLE: Yeah. Now, do you believe there was a conspiracy?

POSNER: No.

PRINGLE: Or do you believe it was just another banal accident?

POSNER: I think it was just another tragic accident, it wasn't a conspiracy at all. But I do think that the French have made so many fundamental errors here that they've probably given fertile groundwork to those who think it's a conspiracy, who will interpret all of these bureaucratic mistakes and then the coverup by the French of those mistakes as something nefarious.

PRINGLE: And so it goes. Thank you very much for talking to us this morning. And the article was really interesting.

POSNER: Thanks for having me.

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NBC News Transcripts

SHOW: TODAY (7:00 AM ET)

September 3, 1999, Friday

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HEADLINE: NEWSWEEK'S CHRISTOPHER DICKEY AND FREELANCE INVESTIGATIVE REPORTER GERALD POSNER TALK ABOUT FRENCH JUDGE'S FINAL REPORT ON PRINCESS DIANA'S DEATH

ANCHORS: ANN CURRY

BODY:

ANN CURRY, co-host:

The final report by the judge presiding over the French government's investigation into the death of Princess Diana two years ago has issued--was issued this morning in Paris. With us to talk about the conclusions are Newsweek's Paris bureau chief Christopher Dickey and freelance investigative reporter Gerald Posner.

Gentlemen, good morning to both of you.

Mr. CHRISTOPHER DICKEY (Newsweek magazine): Good morning.

Mr. GERALD POSNER (Investigative Reporter): Good morning.

CURRY: The judge dismissed all the charges against the photographers. Chris, you've been covering this story. You were actually on the scene of the crash an hour--within an hour of its happening. What's your take on that ruling?

Mr. DICKEY: Well, I think it was inevitable that they'd--they'd come to this conclusion--at least from the first week, when they knew that the driver of the car, Henri Paul, was drunk. The French police and investigators pretty much concluded, in their own heads, that that was the cause of the accident. And although they wanted to be seen to have exhausted every lead, to have pursued every avenue, we always thought, I think, as we looked at the investigation, that this would be the conclusion. Of course, there were two or three photographers who might have come in for charges that they left the scene of the accident or failed to come to the aid of people who were injured. But, in the end, I think the French authorities and the judge just wanted to drop the case.

CURRY: Well, this belies the dramatic pictures we saw the night of the crash, of those photographers hustled on that bus and being taken from the scene, being arrested.

Gerald, do you agree with this idea that this is not a surprising ruling from the judge?

Mr. POSNER: I agree it's not a surprising ruling. But I am surprised, Ann,

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as what Chris was saying at the end, that I thought a couple photographers would be charged under France's good Samaritan law, which says that if you happen to chance by the scene of an accident, and you don't take some action, taking your cell phone, trying to call for help, doing some assistance--these were photographers, instead, who actually went about one thing, grabbing their cameras and taking pictures. As you know, I saw one of the photos that the French investigators didn't pick up. It's a picture of Diana in the immediate aftermath of the accident. That's what they were worried about. They're trying to sell this picture for \$ 2 million today. I thought one of them, or two, would at least be charged. But the French want to get this over with.

CURRY: But--but--but in terms of--Gerald, in terms of the judge's decision, which, let me read here quickly, he basically ruled that the accident was due to the fact that the driver, Henri Paul, was inebriated and under the effects of drugs incompatible with alcohol. You agree that the--that the photographers, then, probably are not guilty of aiding that accident.

Mr. POSNER: They didn't aid the accident. I never thought they'd be charged with the involuntary manslaughter or manslaughter charges. Those criminal charges couldn't be brought against them. But there is this very easy law in France called the good Samaritan law, which is just helping somebody at the scene of an accident. These photographers were chasing on motorcycles, and arrived there, and literally, within 30 seconds of the accident, were off, and nobody--you know, from cell phone records, you can tell if they tried to make a call out--nobody did make a call out to try to get help, as a matter of fact, for her.

Mr. DICKEY: Well, three of them left the scene. Three of them were--were gone by the time the police arrived.

Mr. POSNER: To compound the problem.

Mr. DICKEY: Yeah.

CURRY: So do you think, then, the French government basically just wants this over? And so there's not--you agree with what Gerald just said?

Mr. DICKEY: Yes, I do. I mean, I think the French government wants this over, but the French government also looked at this all the time as an accident. And the essential cause of this, as they--as the prosecutor concluded a couple weeks ago, was Henri Paul was drunk. The driver was drunk. He shouldn't have been behind the wheel. He was going much too fast in the middle of town. And you cannot relate the presence of the paparazzi to the actual cause of the accident. As for the good Samaritan law, if they had been vindictive, if the government were feeling vindictive, they could pursue this. But believe me, the French authorities want an end to this investigation.

CURRY: Gerald, you just finished a long article on this case. And--and, as I understand it, you were writing that you believe the French bungled this case in a way that--that relates to what we're hearing today?

Mr. POSNER: Well, here's what they did. They came to the right conclusion. But as any large investigation, Ann, will have, and Chris knows this, there are errors made along the way. I mean, what Chris said, they had an early feeling

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that this was an accident. The elite criminal detectives assigned to it thought it was beneath their dignity to almost work on it. It was a simple car wreck, as far as they were concerned. And if Barry Scheck, for instance, was involved in this, and fighting the French in court, he'd have a field day. There are questions possibly about contamination of the blood samples of the driver.

I think they may have found the white Fiat Uno that crashed with the Mercedes as it entered the tunnel and caused the accident and somehow let that car go. The driver of the car turns out to be meeting with his French intelligence handler in the hours leading up to the accident, has nothing to do with the wreck at all, but will be used by conspiracy theorists like the father of Dodi Fayed to further conspiracies down the road.

So there are a number of things here that just don't look so great. The French report today isn't like what we get in America. It's not like issuing an official report and thousands of pages behind it in terms of supporting documents. They just close everything up. They keep it secret. They put it on the shelf. And I think, in some ways, those errors, as they come out, as journalists look at it, will allow conspiracy theories to flourish inadvertently.

CURRY: As you say, the French government may want this to be over, but the chances of it being over are not great because we're also hearing already this morning that the chances are good that Dodi Al Fayed's father will file suit.

Mr. DICKEY: Well, his lawyer's already said he will. That he'll try to pursue this. That they'll try and conclude that there was some kind of conspiracy. That at least the photographers were at fault. If there--if, indeed, there wasn't the kind of conspiracy that Gerald's written about, where maybe Prince Philip, all kinds of characters, were involved in trying to kill Diana and Fayed's son, none of us who've looked at the case closely believe that that's the case at all.

CURRY: Isn't it--go ahead, Chris.

Mr. POSNER: I was going to say, and--and the key is now, the French investigation's over, so Mohammed Fayed can now do this own investigation. He hasn't been able to do it for the last two years because the French have prohibited him. He told me, for this interview in Talk magazine, that he intends to spend millions of dollars and send his investigators over to France, starting today, to start what he views as the real investigation. So this is just starting for him.

CURRY: And not just for him, and my understanding also is that there is a possibility that Trevor Rees-Jones, the bodyguard, may also file a suit. For what?

Mr. POSNER: He--he has, in fact, filed against the Ritz and the owner of the limousine for what--contributing to this accident and may file against Mohammed Fayed personally, if he can have this suit. He's had a falling-out with Fayed. And I think we'll at least have a lawsuit from him. There's some question as to whether Diana's family, although it's unlikely, would also file against Fayed. I don't think the driver will. But you're going to get civil litigation now from this that will be going on for the next couple of years.

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Mr. DICKEY: The prosecutors concluded, in fact, that Dodi's--Dodi Fayed, Mohammed Fayed's son, who also died, was essentially the man making all the bad decisions that night. That--that, if anyone, aside from Henri Paul, was responsible for the death of the princess of Wales, it was Dodi Fayed. And that's the kind of thing that Mohammed Fayed doesn't want to see pursued. But that's exactly what Trevor Rhys-Jones is going to be looking at. So we're going to have dueling lawsuits, I think, for quite awhile.

CURRY: For years to come. Christopher Dickey, Gerald Posner, thank you both for your perspective on this breaking story this morning.

Mr. POSNER: Thanks.

CURRY: Up next, it's Friday, and that means Emmylou Harris and Linda Ronstadt live in concert, in our plaza. But first, this is TODAY on NBC.

LANGUAGE: English

LOAD-DATE: September 3, 1999

91 F.Supp.2d 137  
(Cite as: 91 F.Supp.2d 137)  
<KeyCite History>

United States District Court,  
District of Columbia.

In re Application of Mohamed AL  
FAYED.

No. 99-43(HHK).

April 10, 2000.

Father of son killed in highly-publicized automobile crash in France filed a motion to compel Central Intelligence Agency (CIA) to comply with subpoena for documents to be used in the French proceeding investigating the crash. The CIA filed a motion to quash the subpoena. The District Court, Kennedy, J., held that CIA was not a "person" within meaning of statute giving district court power to order person to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal.

Subpoena quashed.

#### West Headnotes

[1] International Law ⇐ 10.31  
221k10.31

[1] International Law ⇐ 10.32  
221k10.32

[1] International Law ⇐ 10.33  
221k10.33

Sovereign immunity is jurisdictional: a court's jurisdiction to entertain a suit against the sovereign is circumscribed by the limits of the legislature's waiver of sovereign immunity.

[2] International Law ⇐ 10.31  
221k10.31

Sovereign immunity is a threshold issue that can be addressed separately from subject-matter jurisdiction, and can be addressed even where subject matter jurisdiction is uncertain.

[3] United States ⇐ 125(9)  
393k125(9)

Sovereign immunity did not bar enforcement of a federal subpoena to a non-party federal agency. 5 U.S.C.A. § 702.

[4] Federal Courts ⇐ 5  
170Bk5

[4] Federal Courts ⇐ 34  
170Bk34

Federal courts are courts of limited jurisdiction, and possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree; it is to be presumed that a cause lies outside that limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.

[5] Federal Civil Procedure ⇐ 1312  
170Ak1312

Central Intelligence Agency (CIA) was not a "person" within meaning of statute giving district court power to order person to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. 28 U.S.C.A. § 1782.

[6] Statutes ⇐ 188  
361k188

Starting point in every case involving construction of a statute is the language itself. \*187 Terrence O'Donnell, Paul C. Rauser, Williams & Connolly LLP, Washington, DC, for Mohamed Al Fayed.

Andrea M. Sharrin, Assistant U.S. Attorney, Civil Division, Federal Programs Branch, Washington, DC, for Government.

#### MEMORANDUM OF DECISION

KENNEDY, District Judge.

On February 5, 1999, pursuant to 28 U.S.C. §

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1782 ("section 1782"), this court granted Mohamed Al Fayed's ("Mr. Al Fayed") ex parte application for the issuance of a subpoena to the Central Intelligence Agency ("CIA"). [FN1] Subsequently, Mr. Al Fayed filed a motion to compel compliance with the subpoena, and the CIA filed a motion to quash the subpoena. \*138 On March 29, 2000, after considering the parties' motions and the record of the case, the court issued an order vacating in part its prior order; granting the CIA's motion to quash; denying Mr. Al Fayed's motion to compel; and quashing the subpoena. This memorandum sets forth the court's rationale for its March 29, 2000 order.

FN1. That Order also directed the issuance of a subpoena to the Defense Intelligence Agency ("DIA"). As Mr. Al Fayed and the DIA have since reached agreement regarding production of information, that subpoena is not the subject of the current motions or the present opinion.

## I. BACKGROUND

This case arises from the deaths of Diana, Princess of Wales ("Princess Diana"); Mr. Al Fayed's son, Dodi Fayed; and their driver, Henri Paul, in a highly-publicized automobile crash in August 1997. The crash is the subject of a French investigatory proceeding that is, according to Mr. Al Fayed's counsel, currently pending appeal. In January 1999, pursuant to section 1782, Mr. Al Fayed applied to this court for the issuance of a subpoena to the CIA for documents to be used in the French proceeding. The court granted Mr. Al Fayed's ex parte application, and a subpoena was issued to the CIA.

The CIA refused to comply with the subpoena, and Mr. Al Fayed filed a motion to compel compliance. In response, the CIA argued that the court should quash the subpoena because, inter alia, Mr. Al Fayed had made a virtually identical document request under the Freedom of Information Act, 5 U.S.C. § 552, et seq. ("FOIA"); the subpoena sought privileged, or otherwise protected, information; and the subpoena was overbroad and unduly burdensome. The CIA later raised the argument that the court

should quash the subpoena because section 1782 neither explicitly references the sovereign nor waives the CIA's sovereign immunity, and thus, according to the CIA, the court lacks subject-matter jurisdiction over the case.

## II. LEGAL ANALYSIS

[1][2] The court may not proceed to the merits of the case without first satisfying itself that it has subject-matter jurisdiction and that sovereign immunity does not bar the action. See, e.g., *Galvan v. Federal Prison Industries, Inc.*, 199 F.3d 461, 463 (D.C.Cir.1999). These are distinct, but interrelated concepts. Sovereign immunity is jurisdictional: a court's jurisdiction to entertain a suit against the sovereign is circumscribed by the limits of the legislature's waiver of sovereign immunity. See, e.g., *Federal Deposit Ins. Corp. v. Meyer*, 510 U.S. 471, 475, 114 S.Ct. 996, 127 L.Ed.2d 308 (1994); *United States v. Sherwood*, 312 U.S. 584, 586, 61 S.Ct. 767, 85 L.Ed. 1058 (1941); see also *Galvan*, 199 F.3d at 463. Sovereign immunity is, however, a threshold issue that can be addressed separately from subject-matter jurisdiction, and can be addressed "even where subject matter jurisdiction is uncertain." *Galvan*, 199 F.3d at 463.

[3] Turning to the question of sovereign immunity, the court considers whether this case, which does not involve the government's ability to sue or be sued, but rather a federal court's ability to compel a non-party government agency to produce evidence, implicates sovereign immunity, and, if so, whether the government has waived its sovereign immunity. In *Northrop Corporation v. McDonnell Douglas Corporation*, 751 F.2d 395 (D.C.Cir.1984), the Court of Appeals for this Circuit found the sovereign immunity defense inapplicable to a federal-court subpoena issued to a non-party government agency. In that case, in the course of litigation between two private parties, federal subpoenas were issued to the Department of Defense, the State Department, and the Departments of the Air Force and the Navy seeking documents relating to the sale of

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military equipment to several foreign countries. The district court quashed the subpoenas, and McDonnell Douglas appealed. On appeal, the Court of Appeals raised sua sponte the issue "whether sovereign immunity might bar an action to enforce a subpoena directed against the government when ... the government [was] not itself a party to the litigation." *Id.* at 398 n. 2. The Court of Appeals noted that although no federal court had ever \*139 explicitly addressed that issue, "[s]ince at least 1965, ... this court has assumed the nonapplicability of sovereign immunity to such a subpoena." *Id.* (citations omitted). "Rather," the Court of Appeals explained, "courts have proceeded on the basis that the government has a set of special privileges—e.g., executive privilege, state secrets, deliberative process—which it may invoke to prevent disclosures that would be inimical to national security or its internal deliberations." *Id.* Declining to engage in a comprehensive survey of the topic, the Court of Appeals concluded as follows: "we find no cause in the present case to upset a steady course of precedent by attempting to graft onto discovery law a broad doctrine of sovereign immunity." *Id.*

The Court of Appeals for this Circuit modified its approach to the enforceability of federal subpoenas to non-party government agencies in *Houston Business Journal Inc. v. Office of Comptroller of Currency*, 86 F.3d 1208, 1212 (D.C.Cir.1996). In *Houston Business Journal*, the Court of Appeals stated that "[a] federal-court litigant ... can seek to obtain the production of documents from a federal agency by means of a federal subpoena. In federal court, the federal government has waived its sovereign immunity, see 5 U.S.C. § 702 ...." *Id.* at 1212. Implicit in the Court of Appeals' statement that "the federal government has waived its sovereign immunity" from a federal-court subpoena is the premise that a federal-court subpoena implicates sovereign immunity. In this sense, the Court of Appeals' approach in *Houston Business Journal* differs from its approach in *Northrop*. [FN2] Under either approach, however, sovereign immunity does not bar the enforcement of a federal subpoena to a non-

party federal agency. Thus, sovereign immunity does not require that this court's subpoena to the CIA be quashed.

FN2. Courts in other Circuits have taken various approaches to the issue whether sovereign immunity bars the enforcement of such a subpoena. See, e.g., *United States EPA v. General Electric Co.*, 197 F.3d 592 (2d Cir.1999) (holding that sovereign immunity would bar the enforcement of a federal subpoena to the federal government in the absence of a waiver and that the Administrative Procedure Act provides such a waiver); *COMSAT Corp. v. National Science Foundation*, 190 F.3d 269, 277 (4th Cir.1999) (ruling that "sovereign immunity ... gives rise to the Government's power to refuse compliance with a subpoena" but that "[t]he APA waives sovereign immunity and permits a federal court to order a non-party agency to comply with a subpoena if the government has refused production in an arbitrary, capricious, or otherwise unlawful manner."); *Exxon Shipping Co. v. United States Dep't of Interior*, 34 F.3d 774, 778 (9th Cir.1994) (rejecting government's sovereign immunity argument and "declin[ing] to hold that federal courts cannot compel federal officers to give factual testimony."); *Connaught Labs., Inc. v. SmithKline Beecham P.L.C.*, 7 F.Supp.2d 477, 479 (D.Del.1998) (stating that "in an action in federal court, sovereign immunity does not bar the federal court from enforcing a federal subpoena against the federal government."); *Leyh v. Modicon*, 881 F.Supp. 420 (S.D.Ind.1995) (holding that sovereign immunity did not bar enforcement of subpoena issued to non-party government agency, but quashing subpoena on other grounds).

This does not end the court's jurisdictional inquiry: although sovereign immunity does not bar the enforcement of the subpoena, the issue remains whether this court had the authority to issue the subpoena. Cf. *Houston Bus. Journal*, 86 F.3d at 1212 (holding that the federal government does not have sovereign immunity from a federal-court subpoena, but that the federal court lacked subject-matter jurisdiction in that case to issue the subpoena). As the United States Supreme Court explained in *United States Catholic Conference v. Abortion Rights Mobilization*,

Inc., "the subpoena power of a court cannot be more extensive than its jurisdiction. It follows that if a district court does not have subject-matter jurisdiction over the underlying action, and the process was not issued in aid of determining that jurisdiction, then the process is void ...." 487 U.S. 72, 76, 108 S.Ct. 2268, 101 L.Ed.2d 69 (1988).

\*140 [4][5] The court thus turns to question whether it had jurisdiction to issue the subpoena to the CIA, and concludes that it did not. It is well-established that "[f]ederal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, ... which is not to be expanded by judicial decree .... It is to be presumed that a cause lies outside this limited jurisdiction, ... and the burden of establishing the contrary rests upon the party asserting jurisdiction ...." *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994) (internal citations omitted). In this case, the party bringing this action, Mr. Al Fayed, relied solely upon section 1782.

Section 1782 provides in pertinent part:

(a) The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal .... The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement.....

A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege.

(b) This chapter does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international

tribunal before any person and in any manner acceptable to him.

28 U.S.C. § 1782 (emphasis added). Section 1782 does not define the term "person," and the parties dispute whether "person" includes the sovereign and, by extension, a federal agency such as the CIA. The CIA argues that because the word "person" is not ordinarily construed to include the sovereign, section 1782 does not apply to the CIA, and the court does not have subject-matter jurisdiction over the case. Mr. Al Fayed argues that "person" should be read as including the sovereign.

[6] In considering whether "person" includes the sovereign, the court must examine the language of section 1782, as "[t]he starting point in every case involving construction of a statute is the language itself." *International Primate*, 500 U.S. at 79, 111 S.Ct. 1700 (citation and internal quotation marks omitted). In examining the language of the statute to determine the meaning of the term "person," the court examines the manner in which "person" is used throughout section 1782. See, e.g., *United States v. Cooper Corp.*, 312 U.S. 600, 606-07, 61 S.Ct. 742, 85 L.Ed. 1071 (1941) ("It is fair to assume that the term 'person', in the absence of an indication to the contrary, was employed by the Congress throughout the Act in the same, and not in different, senses."). In three of the instances in which the term "person" appears, the pronouns "him" and "his" are used to refer to the term. The use of "him" and "his" mitigates against interpreting the antecedent noun, "person," to mean "United States" or "agency." Cf. *International Primate*, 500 U.S. at 80, 111 S.Ct. 1700 (determining that it "ma[de] little sense" to read a statute as referencing an agency rather than an individual as the antecedent to the pronoun "him").

Further support for the CIA's argument that section 1782's reference to a "person" does not include the sovereign is found in the general canon that statutes using the word "person" are usually construed to exclude the sovereign. See, e.g., *International Primate Protection League v. Administrators* \*141 of *Tulane Educ. Fund*, 500 U.S. 72, 82-83, 111

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S.Ct. 1700, 114 L.Ed.2d 134 (1991); *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 64, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989); *Wilson v. Omaha Indian Tribe*, 442 U.S. 653, 667, 99 S.Ct. 2529, 61 L.Ed.2d 153 (1979); *United States v. United Mine Workers of America*, 330 U.S. 258, 275, 67 S.Ct. 677, 91 L.Ed. 884 (1947); *Galvan v. Federal Prison Industries*, 199 F.3d 461, 467 (D.C.Cir.1999). This rule of construction has particular force where, as here, it is "decidedly awkward" to construe "person" as including the sovereign. See *International Primate*, 500 U.S. at 83, 111 S.Ct. 1700. Nevertheless, there is "no hard and fast rule of exclusion," ... and much depends on the context, the subject matter, legislative history, and executive interpretation." *Wilson*, 442 U.S. at 667, 99 S.Ct. 2529; see also *International Primate*, 500 U.S. at 83, 111 S.Ct. 1700. In this case, Mr. Al Fayed has pointed to, and the court is aware of, nothing in the "context, ... subject matter, legislative history, [or] executive interpretation" of section 1782 that would mitigate against the application of the general canon that "person" does not include the sovereign.

Accordingly, the court holds that the term "person," as used in section 1782, does not include a federal agency, such as the CIA.  
[FN3]

FN3. In so holding, the court expresses no opinion as to whether the term "person" includes a federal officer, as distinct from a federal agency.

### III. CONCLUSION

For the foregoing reasons, the court concluded that it did not have subject-matter jurisdiction under section 1782 to issue a subpoena to the CIA. Consequently, the subpoena was quashed.

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Page 1

United States Court of Appeals,  
 Fourth Circuit.

In re Mohamed AL FAYED, Appellant,  
 v.  
 UNITED STATES of America, Intervenor.

No. 99-1268.

Argued: Dec. 3, 1999  
 Decided: April 26, 2000

Internationally known businessman sought order directing United States National Security Agency (NSA) to produce certain documents relating to the death of applicant's son and son's companion in a highly publicized automobile crash in France. The United States District Court for the District of Maryland, Frederic N. Smalkin, J., 36 F.Supp.2d 694, denied application, and applicant appealed. The Court of Appeals, Diana Gribbon Motz, Circuit Judge, held that applicant failed to establish his entitlement to documents pursuant to statute authorizing discovery for use in foreign tribunal, especially given NSA's prior refusal to disclose the documents on national security grounds.

Affirmed.

#### West Headnotes

[1] Federal Civil Procedure ⇨ 1312  
 170Ak1312

Statute authorizing discovery for use in foreign or international tribunal affords district courts wide discretion in responding to requests for assistance in proceedings before foreign tribunals, and statutory amendments expanding the range of "proceeding[s]" to which the district court might offer its assistance were intended to enhance that discretion. 28 U.S.C.A. § 1782(a).

[2] Federal Civil Procedure ⇨ 1312  
 170Ak1312

In exercising its discretion under statute authorizing district courts, at the request of an

"interested person," to order document production for use in proceedings in a foreign or international tribunal, district court should be guided by the statute's twin aims of providing efficient means of assistance to participants in international litigation in our federal courts and encouraging foreign countries by example to provide similar means of assistance to our courts. 28 U.S.C.A. § 1782(a).

[3] Federal Civil Procedure ⇨ 1312  
 170Ak1312

Statute authorizing discovery for use in foreign tribunal did not entitle applicant to order directing United States National Security Agency (NSA) to produce documents relating to the death of applicant's son and son's companion in highly publicized automobile crash, where applicant did not demonstrate how the information he sought would assist his participation in French investigative proceedings, he only summarily explained purpose and function the requested documents would serve in the foreign proceeding, and disclosure of the documents sought had already been identified by NSA as potentially causing exceptionally grave damage to national security. 28 U.S.C.A. § 1782(a).

\*422 ARGUED: Paul Christian Rauser, Williams & Connolly, Washington, D.C., for Appellant. Henry Thomas Byron, III, Appellate Staff, Civil Division, United States Department of Justice, Washington, D.C., for Intervenor. ON BRIEF: Terrence O'Donnell, Williams & Connolly, Washington, D.C., for Appellant. David W. Ogden, Acting Assistant Attorney General, Lynne A. Battaglia, United States Attorney, Mark B. Stern, Appellate Staff, Civil Division, United States Department of Justice, Washington, D.C., for Intervenor.

Before LUTTIG and MOTZ, Circuit Judges, and MICHAEL, Senior United States District Judge for the Western District of Virginia, sitting by designation.

Affirmed by published opinion. Judge

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DIANA GRIBBON MOTZ wrote the opinion, in which Judge LUTTIG and Senior Judge MICHAEL joined.

#### OPINION

DIANA GRIBBON MOTZ, Circuit Judge:

Seeking information related to the death of his son in a Paris car wreck that became the focus of international media attention, Mohamed Al Fayed filed an ex parte application with the district court for the issuance of a subpoena duces tecum to the National Security Agency (NSA). Al Fayed applied for the subpoena under 28 U.S.C. § 1782(a), which authorizes district courts, at the request of an "interested person," to order document production for use in proceedings in a foreign or international tribunal. Al Fayed claimed an interest in proceedings before a French magistrate judge investigating the crash that led to his son's death. The district court declined to issue the subpoena, citing national security concerns raised by NSA in its response to a Freedom of Information Act (FOIA) request. Because the district court did not abuse its discretion under § 1782, we affirm.

#### I.

In February 1999, Al Fayed asked the district court to issue a subpoena duces tecum for all NSA documents relating to two victims of a 1997 Paris car crash: Dodi Fayed and Diana, Princess of Wales. In addition, he sought all NSA documents relating to himself and to the principals in an alleged plot to sell him information supposedly originating in Central Intelligence Agency files.

\*423 Al Fayed applied for the subpoena under 28 U.S.C. § 1782(a) (1994 & Supp. III 1997) which provides: "The district court of the district in which a person resides or is found may order him ... to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made ... upon the application of any interested person..." Al

Fayed claimed to be an "interested person" in the now-closed investigation of Premier Juge d'instruction Herve Stephan into whether members of the press could be held criminally responsible for the crash.

Al Fayed contended that he had learned that NSA might possess information related to the crash after reading reports in the Daily Mail and the New York Daily News of surveillance by United States intelligence of Princess Diana, and after participants in the above-mentioned plot attempted to sell him supposed United States intelligence documents. In support of his application, Al Fayed offered a 1998 letter from NSA responding to a news agency's FOIA request for records related to Princess Diana. In that letter NSA acknowledged the existence of 182 documents in NSA files covered by the request, denied access to 39 classified NSA documents, and forwarded the request for the remaining documents to the originating agencies.

Under FOIA, an agency need not make documents available to the public that are "(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C. § 552(b)(1) (1994). The NSA response to the news agency's FOIA request specifically cited this provision—the first exemption from FOIA's otherwise broad commitment to government openness—in denying access to the classified documents. NSA's letter explained that the documents "are classified because their disclosure could reasonably be expected to cause exceptionally grave damage to the national security."

The district court assumed that the investigation by the French magistrate, then still ongoing, constituted "proceedings" to which § 1782 applied, and that Al Fayed was an "interested person" in those proceedings. The court viewed Al Fayed's application under § 1782, however, as an attempt "to make an end run around FOIA." Noting its broad discretion under § 1782, the court declined to issue a subpoena under that statute for

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documents that had already been identified by NSA as containing sensitive information pertinent to the national security.

Al Fayed appeals, arguing in part that the district court erred because it assumed that his application sought the same material as the news agency's FOIA request, when in fact it did not. The United States intervened, and in doing so informed us of a fact that Al Fayed had failed to mention: prior to applying to the district court for a subpoena, Al Fayed's attorneys had submitted their own FOIA request to NSA, asking for precisely the same material as Al Fayed now seeks under § 1782. NSA denied that FOIA request in July 1999, again citing FOIA's first exemption, 5 U.S.C. § 552(b)(1), and the possibility of "exceptionally grave damage to the national security."

Al Fayed conceded at oral argument that in September 1999 Juge Stephan closed his investigation into the role members of the press may have played in causing the car crash. According to press accounts, the investigation lasted eighteen months and involved over 200 interviews and 6,000 pages of evidence, after which the magistrate concluded that the driver's drunkenness was the "direct, immediate and certain cause of the accident."

Apparently, Al Fayed has exercised his right under French law to appeal the termination of the investigation, but this appeal \*424 is all that now remains of the "proceeding in a foreign ... tribunal" that assertedly would be assisted by the issuance of a subpoena under § 1782. Although it is not clear whether a private party's appeal from a magistrate's decision to close a criminal investigation is the sort of "proceeding" to which Congress sought to extend the assistance of the federal courts, we do not decide the case on this ground. The question has not been briefed by the parties, and its resolution would require a somewhat detailed inquiry into a foreign body of law.

We need not undertake this inquiry, because the district court did not abuse its discretion under § 1782 in declining, on the record before

it, to issue a subpoena to NSA.

## II.

[1] Section 1782 affords the district courts "wide discretion" in responding to requests for assistance in proceedings before foreign tribunals. See *In re Eeses*, 101 F.3d 873, 876 (2d Cir.1996); *Lo Ka Chun v. Lo To*, 858 F.2d 1564, 1565 (11th Cir.1988). The 1964 amendments to § 1782, which expanded the range of "proceeding[s]" to which the district court might offer its assistance, were intended to enhance that discretion. See S.Rep. No. 88-1580 (1964), reprinted in 1964 U.S.C.A.N. 3782, 3788 ("[I]t is intended that the court have discretion to grant assistance when proceedings are pending before investigating magistrates in foreign countries."); see also *In re Letters Rogatory from the Tokyo District, Tokyo, Japan*, 539 F.2d 1216, 1218 (9th Cir.1976) ("The statute ... has had a history which reflects a desire on the part of Congress to increase the power of district courts to respond to letters rogatory" from foreign officials.).

[2][3] In exercising its discretion under § 1782, the district court should be guided by the statute's "twin aims of providing efficient means of assistance to participants in international litigation in our federal courts and encouraging foreign countries by example to provide similar means of assistance to our courts." *In re Malev Hungarian Airlines*, 964 F.2d 97, 100 (2d Cir.1992). Al Fayed's *ex parte* application did not make clear how the issuance of the subpoena would serve Congress's "twin aims" in enacting and amending § 1782. Al Fayed did not demonstrate how the information he sought would assist his "participation" in the proceedings before the French magistrate. Nor does it seem plausible that the issuance of a subpoena for highly classified government documents would set an example that would encourage foreign governments to grant "similar means of assistance" to litigants in our courts.

The arguments and evidence Al Fayed did present in his application understandably

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elicited skepticism from the district court. Al Fayed, a private party, asked the district court to issue a subpoena ex parte to an agency whose work involves some of the most sensitive and necessarily secretive operations of the United States government. Rather than asserting rights under FOIA, the typical route for private parties to gain access to government documents, he invoked a statutory provision typically utilized by foreign judicial officials, occasionally utilized by prosecutors, plaintiffs and defendants in foreign judicial proceedings, and almost never utilized by persons in Al Fayed's position. He offered scant materials in support of his application, and he only summarily explained the purpose and function the requested documents would serve in the foreign proceeding. Disclosure of the documents sought in Al Fayed's application had already been identified by NSA as potentially causing "exceptionally grave damage to the national security." Under these circumstances, the district court was well within its broad discretion to deny the application. The statute explicitly commits to the district court's discretion the determination of whether to grant a request for \*425 assistance in a foreign tribunal. The district court appropriately exercised that discretion here. See *Essex*, 101 F.3d at 876 ("Substantively, so long as the district court fashions its order in accordance with the 'twin aims' of § 1782, ... it acts within its discretion.").

Al Fayed argues that the district court erroneously assumed that the news agency's FOIA request asked for substantially the same material as Al Fayed's subpoena application. To the extent that that argument had any merit, it is now foreclosed by Al Fayed's own December 1998 FOIA request, which asked for precisely the same material for which he now invokes § 1782. NSA viewed Al Fayed's FOIA request, like that of the news agency, as raising serious national security concerns. To the extent NSA had documents covered by the request, it refused to disclose them under FOIA's first exemption, 28 U.S.C. § 552(b)(1). Al Fayed can seek judicial review of that determination, of course, see 5 U.S.C. § 552(a)(4)(B) (Supp. IV 1998), but in the absence

of a finding that NSA improperly refused to disclose the documents, the agency's determination should be credited.

Congress's salutary purposes in enacting § 1782 simply do not anticipate the issuance of a subpoena for documents whose disclosure would be likely to harm the national security. Those purposes certainly do not require the release of documents properly classified as secret and therefore exempt from disclosure under FOIA's first exemption—at least not on the basis of an ex parte application with as little supporting justification as this one.

Because we decide the matter on narrower grounds, we need not reach the Government's argument that, based on principles of sovereign immunity and statutory construction, the United States is not a "person" from whom testimony can be required under § 1782. [FN\*]

FN\* Al Fayed has also filed an application under § 1782 in Washington, D.C. for the issuance of a subpoena to the Central Intelligence Agency. The district court in that case initially issued a subpoena, and the Government moved for a protective order. The court recently held that "person" under § 1782 did "not include a federal agency, such as the CIA" and so quashed the subpoena. See *In re Al Fayed*, 91 F.Supp.2d 137 (D.D.C.2000).

### III

The judgment of the district court denying the ex parte application is

AFFIRMED.

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# ACCESS

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## REPORTS

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To better understand how to assess the data bank information, the *Courant* talked with Thomas Croft, director of the Division of Quality Assurance at Health and Human Services. "I think the frequency of the claims tells you more than the [dollar] amount," Croft said. It's very possible there are some very high payments in the data bank, where the physician absolutely met the stand of care. So I don't know that the dollar amount against any one doctor is so significant." Hunter Allen, an Atlanta attorney who represents physicians and insurance companies, told the newspaper that "the abstract argument that malpractice payments don't mean anything doesn't hold up." He added that "a doctor doesn't have eight, nine, 10 settlements in the course of a career without something being wrong."

Croft also indicated that hospitals were not properly assessing the meaning of the data. "What bothers me is that there isn't more activity on the part of boards and hospitals who have this information and don't take action." His office is forbidden from affirmatively alerting state regulatory bodies about doctors with particularly large numbers of complaints. "We don't have the authority to be proactive on following up on individual practitioners like that."

### Court Rules Al Fayed Not Entitled to NSA Records

Affirming a district court judge's original ruling, the Fourth Circuit has found that Mohamed Al Fayed may not end-run the FOIA appeals process and force the National Security Agency to disclose records pertaining to surveillance of Princess Diana and Dodi Fayed, Al Fayed's son. Al Fayed had attempted to serve subpoenas on the NSA, using 28 U.S.C. 1782(a) as authorization, a provision that allows any interested person in a proceeding before a foreign or international tribunal, in this case the French investigation into conspiracy charges concerning the death of Diana and Dodi in a car crash in Paris, to issue a subpoena for relevant records held by another country. Al Fayed claimed he had learned the NSA might have surveillance records pertaining to the fatal car crash, and produced an NSA letter denying the FOIA request of a news agency that indicated the agency had 182 documents pertaining to Diana. In the letter, NSA claimed all the records were classified. After Al Fayed appealed, the government informed the court that he had also made an FOIA request for the NSA records and been denied.

The court pointed out that a district court faced with an application under 28 U.S.C. 1782(a) should consider the twin aims of the statute — "providing efficient means of assistance to participants in international litigation in our federal courts and encouraging foreign countries by example to provide similar means of assistance to our courts." Commenting on Al Fayed's application, the court noted that it "did not make clear how the issuance of the subpoena would serve Congress's 'twin aims' in enacting and amending Section 1782. Al Fayed did not demonstrate how the information he sought would assist his 'participation' in the proceedings before the French magistrate. Nor does it seem plausible that the issuance of a subpoena for highly classified government documents would set an example that would encourage foreign governments to grant 'similar assistance' to litigants in our courts."

The court observed that the district court had been rightfully skeptical of Al Fayed's claims. "Al Fayed, a private party, asked the district court to issue a subpoena ex parte to an agency whose work