

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

USAMA BIN LADEN, et al.

Defendants.

INDICTMENT
S(5) 98 Cr. 1023 (LBS)

(Title 18, U.S.C. Sections 2332(b), 844(f), 930(c), 1623,
1001 and 2.)

MARY JO WHITE
United States Attorney
Southern District of New York

A TRUE BILL

Foreperson.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

- v. -

USAMA BIN LADEN,

a/k/a "Usamah Bin-Muhammad
Bin-Ladin,"

a/k/a "Shaykh Usamah Bin-Ladin,"

a/k/a "Abu Abdullah"

a/k/a "Mujahid Shaykh,"

a/k/a "Hajj,"

a/k/a "al Qaqa,"

a/k/a "the Director,"

MUHAMMAD ATEF,

a/k/a "Abu Hafs,"

a/k/a "Abu Hafs el Masry,"

a/k/a "Abu Hafs el Masry el Khabir,"

a/k/a "Taysir,"

a/k/a "Sheikh Taysir Abdullah,"

MAMDOUH MAHMUD SALIM,

a/k/a "Abu Hajer al Iraqi,"

a/k/a "Abu Hajer,"

ALI MOHAMED,

a/k/a "Ali Abdelseoud Mohamed"

a/k/a "Abu Omar,"

a/k/a "Omar,"

a/k/a "Haydara,"

a/k/a "Taymour Ali Nasser,"

a/k/a "Ahmed Bahaa Eldin

Mohamed Adam,"

WADIH EL HAGE,

a/k/a "Abdus Sabbur,"

a/k/a "Abd al Sabbur,"

a/k/a "Norman,"

a/k/a "Wa'da Norman,"

FAZUL ABDULLAH MOHAMMED,

a/k/a "Harun Fazhl,"

a/k/a "Fazhl Abdullah,"

a/k/a "Fazhl Khan,"

MOHAMED SADEEK ODEH,

a/k/a "Abu Moath,"

a/k/a "Noureldine,"

a/k/a "Marwan,"

a/k/a "Hydar,"

a/k/a "Abdullbast Awadah,"

(Caption continued on the following page)

: **INDICTMENT**

: S(5) 98 Cr. 1023 (LBS)

a/k/a "Abdulbasit Awadh Mbarak :
 Assayid," :
 MOHAMED RASHED DAOUD AL-'OWHALI, :
 a/k/a "Khalid Salim Saleh :
 Bin Rashed," :
 a/k/a "Moath," :
 a/k/a "Abdul Jabbar Ali Abdel-Latif," :
 MUSTAFA MOHAMED FADHIL, :
 a/k/a "Mustafa Ali Elbishy," :
 a/k/a "Hussein," :
 a/k/a "Hassan Ali," :
 KHALFAN KHAMIS MOHAMED, :
 a/k/a "Khalfan Khamis," :
 AHMED KHALFAN GHAILANI, :
 a/k/a "Fupi," :
 a/k/a "Abubakary Khalfan Ahmed :
 Ghailani," :
 a/k/a "Abubakar Khalfan Ahmed," :
 FAHID MOHAMMED ALLY MSALAM, :
 a/k/a "Fahad M. Ally," and :
 SHEIKH AHMED SALIM SWEDAN, :
 a/k/a "Sheikh Bahamadi," :
 a/k/a "Ahmed Ally," :

Defendants. :

-----x

INTRODUCTION

The Grand Jury charges:

Background: Al Qaeda

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the "mekhtab al khidemat" (the "Services Office") organization which had maintained offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar) and the United States, particularly at the Alkifah Refugee Center

in Brooklyn, New York. The group was founded by defendants USAMA BIN LADEN and MUHAMMAD ATEF, a/k/a "Abu Hafs al Masry," together with "Abu Ubaidah al Banshiri" and others. From in or about 1989 until the present, the group called itself "al Qaeda" ("the Base"). From 1989 until in or about 1991, the group (hereafter referred to as "al Qaeda") was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1991, the leadership of al Qaeda, including its "emir" (or prince) defendant USAMA BIN LADEN, relocated to the Sudan. Al Qaeda was headquartered in the Sudan from approximately 1991 until approximately 1996 but still maintained offices in various parts of the world. In 1996, defendants USAMA BIN LADEN and MUHAMMAD ATEF and other members of al Qaeda relocated to Afghanistan. At all relevant times, al Qaeda was led by its emir, defendant USAMA BIN LADEN. Members of al Qaeda pledged an oath of allegiance (called a "bayat") to defendant USAMA BIN LADEN and al Qaeda.

2. Al Qaeda opposed the United States for several reasons. First, the United States was regarded as an "infidel" because it was not governed in a manner consistent with the group's extremist interpretation of Islam. Second, the United States was viewed as providing essential support for other "infidel" governments and institutions, particularly the governments of Saudi Arabia and Egypt, the nation of Israel and the United Nations organization, which were regarded as enemies of the group. Third, al Qaeda opposed the involvement of the

United States armed forces in the Gulf War in 1991 and in Operation Restore Hope in Somalia in 1992 and 1993, which were viewed by al Qaeda as pretextual preparations for an American occupation of Islamic countries. In particular, al Qaeda opposed the continued presence of American military forces in Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) following the Gulf War. Fourth, al Qaeda opposed the United States Government because of the arrest, conviction and imprisonment of persons belonging to al Qaeda or its affiliated terrorist groups or with whom it worked, including Sheik Omar Abdel Rahman.

3. One of the principal goals of al Qaeda was to drive the United States armed forces out of Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) and Somalia by violence. Members of al Qaeda issued fatwahs (rulings on Islamic law) indicating that such attacks were both proper and necessary.

4. Al Qaeda functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including: the Al Jihad group based in Egypt, led by, among others, Dr. Ayman al Zawahiri, named as a co-conspirator but not as a defendant herein; the Islamic Group (also known as "el Gamaa Islamia" or simply "Gamaa't"), led by Sheik Omar Abdel Rahman and later by Ahmed Refai Taha, a/k/a "Abu Yasser al Masri," named as co-conspirators but not as defendants herein; and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti,

Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan and the Kashmiri region of India and the Chechnyan region of Russia. Al Qaeda also maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom and the United States.

5. Al Qaeda had a command and control structure which included a majlis al shura (or consultation council) which discussed and approved major undertakings, including terrorist operations. The defendants USAMA BIN LADEN, MUHAMMAD ATEF, a/k/a "Abu Hafs," and MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer," among others, sat on the majlis al shura (or consultation council) of al Qaeda.

6. Al Qaeda also had a "military committee" which considered and approved "military" matters. MUHAMMAD ATEF, a/k/a "Abu Hafs," the defendant, sat on the military committee and was one of defendant USAMA BIN LADEN's two principal military commanders together with "Abu Ubaidah al Banshiri," until the death of "Abu Ubaidah al Banshiri" in 1996. Among his other duties, MUHAMMAD ATEF, a/k/a "Abu Hafs," the defendant, had the principal responsibility for the training of al Qaeda members.

7. USAMA BIN LADEN, the defendant, and al Qaeda also forged alliances with the National Islamic Front in the Sudan and with representatives of the government of Iran, and its associated terrorist group Hezbollah, for the purpose of working

together against their perceived common enemies in the West, particularly the United States.

COUNT ONE

The Conspiracy to Kill United States Nationals

8. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, the Philippines and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a "Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath,"

a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda and others known and unknown to the Grand Jury, unlawfully, willfully and knowingly combined, conspired, confederated and agreed to kill nationals of the United States in violation of Title 18, United States Code, Section 2332(a).

9. The objectives of the conspiracy included: (i) killing United States nationals employed by the United States military who were serving in Somalia and on the Saudi Arabian peninsula; (ii) killing United States nationals employed at the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; and (iii) engaging in conduct to conceal the activities and means and methods of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence and providing false information to the authorities in various countries.

Overt Acts

10. In furtherance of the said conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed:

The Provision of Guesthouses and Training Camps

a. At various times from at least as early as 1989, the defendant USAMA BIN LADEN, and others known and unknown, provided training camps and guesthouses in various areas, including Afghanistan, Pakistan, the Sudan, Somalia and Kenya for the use of al Qaeda and its affiliated groups. The defendant MAMDOUH MAHMUD SALIM managed some of these training camps and guesthouses in Afghanistan and Pakistan;

The Recruitment of American Citizens

b. At various times from at least as early as 1989, the defendant USAMA BIN LADEN, and others known and unknown, made efforts to recruit United States citizens, including the defendants ALI MOHAMED and WADIH EL HAGE to help al Qaeda in order to utilize the American citizens for travel throughout the Western world to deliver messages and engage in financial transactions for the benefit of al Qaeda and its affiliated groups and to help carry out operations;

The Training

c. At various times from at least as early as 1990, the defendant ALI MOHAMED, and others known and unknown, provided military and intelligence training in various areas,

including Afghanistan, Pakistan and the Sudan, for the use of al Qaeda and its affiliated groups.

Financial Dealings

d. At various times from at least as early as 1989 until the date of the filing of this Indictment, the defendants USAMA BIN LADEN and MAMDOUH MAHMUD SALIM, and others known and unknown to the Grand Jury, engaged in financial and business transactions on behalf of al Qaeda, including, but not limited to: purchasing land for training camps; purchasing warehouses for storage of items, including explosives; purchasing communications and electronics equipment; transferring funds between corporate accounts; and transporting currency and weapons to members of al Qaeda and its associated terrorist organizations in various countries throughout the world. To carry out some of these financial transactions, the defendant MAMDOUH MAHMUD SALIM traveled to various places on behalf of al Qaeda and its affiliated groups, including, among other places to Sudan, Afghanistan, Malaysia and the Philippines;

The Transportation of Bin Laden to the Sudan in 1991

e. In or about 1991, ALI MOHAMED, together with a co-conspirator not named as a defendant herein ("Co-conspirator One") and others known and unknown, arranged for the secure transportation of USAMA BIN LADEN from Peshawar, Pakistan, to the Sudan;

Establishment of Businesses in the Sudan

f. Following al Qaeda's move to the Sudan in or about 1991, the defendant USAMA BIN LADEN established a headquarters in the Riyadh section of Khartoum. USAMA BIN LADEN also established a series of businesses in the Sudan, including a holding company known as "Wadi al Aqiq," a construction business known as "Al Hijra," an agricultural company known as "al Thamar al Mubarak," an investment company known as "Ladin International," an investment company known as "Taba Investments," and a transportation company known as "Qudarat Transport Company." These companies were operated to provide income to support al Qaeda and to provide cover for the procurement of explosives, weapons and chemicals and for the travel of al Qaeda operatives. The defendants MAMDOUH MAHMUD SALIM and WADIH EL HAGE worked for various of the Bin Laden companies. The defendant WADIH EL HAGE also served as Bin Laden's personal secretary;

Mohamed Sadeek Odeh Joins al Qaeda

g. In or about 1992, the defendant MOHAMED SADEEK ODEH, after receiving training (including explosives training) in various camps in Afghanistan, including al Qaeda camps, joined al Qaeda and agreed to follow the orders of the defendant USAMA BIN LADEN, the emir (prince) of al Qaeda, as long as the orders did not violate Islamic law. ODEH remained a member of al Qaeda through at least on or about August 7, 1998;

The Fatwahs Against American Troops in Saudi Arabia and Yemen

h. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN, the defendant, working together with members of the fatwah committee of al Qaeda, issued fatwahs (rulings on Islamic law) to other members and associates of al Qaeda that the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked;

Efforts to Unite al Qaeda, the Sudan, and Iran

i. At various times between in or about 1992 and in or about 1996, the defendants USAMA BIN LADEN, MAMDOUH MAHMUD SALIM, and other ranking members of al Qaeda, stated privately to other members of al Qaeda that al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hizballah, to cooperate against the perceived common enemy, the United States and its allies;

j. At various times between in or about 1992 and in or about 1996, the defendant MAMDOUH MAHMUD SALIM met with an Iranian religious official in Khartoum as part of an overall effort to arrange a tripartite agreement between al Qaeda, the National Islamic Front of Sudan, and elements of the Government of Iran to work together against the United States, Israel and other Western countries;

k. At various times between in or about 1992 and in or about 1996, the defendant MAMDOUH MAHMUD SALIM worked together-with a ranking official in the National Islamic Front to obtain communications equipment on behalf of the Sudanese intelligence service;

1. At various times between in or about 1992 and in or about 1996, al Qaeda sent some of its members to Lebanon to receive training from members of the terrorist group Hizballah, a Shiite terrorist group;

The Fatwah Against American Troops in Somalia

m. At various times from in or about 1992 until in or about 1993, the defendant USAMA BIN LADEN, working together with members of the fatwah committee of al Qaeda, issued fatwahs to other members and associates of al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

n. On various occasions in or about 1993, the defendant MAMDOUH MAHMUD SALIM lectured al Qaeda members that the United States forces do not belong on any Arab lands, and that the presence of the United Nations forces in Somalia was a reflection of the United States' plans to attack the Muslim world;

The Training of Fazul Abdullah Mohamed

o. In Afghanistan in or about 1991 and 1992, the defendant ALI MOHAMED trained members of al Qaeda, including

FAZUL ABDULLAH MOHAMED, a/k/a "Harun," a/k/a "Abu Fadhl," in various military techniques including urban fighting, guerilla fighting and evasion of surveillance;

The Establishment of Training Camps for Somalia

p. In or about late 1992 and 1993, the defendant MUHAMMAD ATEF traveled to Somalia on several occasions for the purpose of determining how best to cause violence to the United States and United Nations military forces stationed there and reported back to the defendant USAMA BIN LADEN and other al Qaeda members at USAMA BIN LADEN's facilities located in Khartoum, the Sudan;

q. Beginning in or about early spring 1993, al Qaeda members, including the defendants MUHAMMAD ATEF, FAZUL ABDULLAH MOHAMMED, and MOHAMED SADEEK ODEH, along with "Abu Ubaidah al Banshiri," a co-conspirator not named herein as a defendant, provided military training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

The Attacks on the United States Forces in Somalia

r. On October 3 and 4, 1993, in Mogadishu, Somalia, persons who had been trained by al Qaeda (and by trainers trained by al Qaeda) participated in an attack on United States military personnel serving in Somalia as part of Operation Restore Hope, which attack resulted in the killing of 18 United States Army personnel;

The Shipment of Weapons and Explosives to Saudi Arabia

s. On at least two occasions in the period from in or about 1992 until in or about 1995, members of al Qaeda transported weapons and explosives from Khartoum in the Sudan to the coastal city of Port Sudan for transshipment to the Saudi Arabian peninsula;

The Fatwah Regarding Deaths of Nonbelievers

t. On various occasions the defendant MAMDOUH MAHMUD SALIM advised other members of al Qaeda that it was Islamically proper to engage in violent actions against "infidels" (nonbelievers), even if others might be killed by such actions, because if the others were "innocent," they would go to paradise, and if they were not "innocent," they deserved to die;

The Efforts to Obtain Nuclear Weapons and Their Components

u. At various times from at least as early as 1992, the defendants USAMA BIN LADEN and MAMDOUH MAHMUD SALIM, and others known and unknown, made efforts to obtain the components of nuclear weapons;

The Efforts to Obtain Chemical Weapons and Their Components

v. At various times from at least as early as 1993, the defendant USAMA BIN LADEN, and others known and unknown, made efforts to obtain the components of chemical weapons;

Ali Mohamed Obtains a False Passport

w. On or about May 6, 1993, the defendant ALI MOHAMED obtained by mail from San Francisco, California, an Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam";

Ali Mohamed Attempts to Smuggle Co-conspirator One through Canada

x. In or about June 1993, Co-conspirator One traveled from Pakistan to Vancouver, Canada, using a false identity. In or about June 1993, defendant ALI MOHAMED traveled to Vancouver, Canada, to meet with Co-conspirator One for the purpose of assisting in Co-conspirator One's attempted entry into the United States;

y. At various times from June 1993 until at least 1997, defendant ALI MOHAMED traveled to Vancouver, Canada, to meet with Co-conspirator One;

The Surveillance of the United States Embassy in Nairobi, Kenya

z. Beginning in the latter part of 1993, members of al Qaeda discussed with defendant ALI MOHAMED a possible attack against the United States Embassy in Nairobi, Kenya, in retaliation for the United States' participation in Operation Restore Hope in Somalia;

aa. On or about December 9, 1993, the defendant ALI MOHAMED entered Nairobi, Kenya;

bb. On or before January 23, 1994, the defendant ALI MOHAMED left Kenya;

cc. On or about January 23, 1994, the defendant ALI MOHAMED returned to Nairobi, Kenya, using the Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam";

dd. On or about February 3, 1994, the defendant ALI MOHAMED entered the United States Embassy building in Nairobi, Kenya with his United States passport;

ee. In or about 1994, members of al Qaeda reviewed with the defendant ALI MOHAMED files concerning possible terrorist attacks against: (i) the United States Embassy in Nairobi, Kenya; (ii) the building then housing the United States Agency for International Development in Nairobi, Kenya; and (iii) British, French and Israeli targets in Nairobi, Kenya;

ff. In or about 1994, members of al Qaeda discussed with the defendant ALI MOHAMED possible terrorist attacks against targets in various countries other than Kenya; The Establishment of the Kenya Base of Operations

gg. In or about 1993, various members of al Qaeda began to establish business and residences in Kenya, particularly in Nairobi;

hh. In or about 1994, the defendant MOHAMED SADEEK ODEH moved to Mombasa, Kenya, and set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. While in Kenya, ODEH was visited by the military commanders of al Qaeda, the defendant MUHAMMAD ATEF and

"Abu Ubaidah al Banshiri";

ii. In or about 1994, the defendant MOHAMED SADEEK ODEH moved to Mombasa, Kenya, and set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. While in Kenya, ODEH was visited by the military commanders of al Qaeda, the defendant MUHAMMAD ATEF and "Abu Ubaidah al Banshiri";

jj. In or about 1994, the defendant WADIH EL HAGE moved from Khartoum in the Sudan to Nairobi, Kenya, and set up businesses and other organizations in Kenya. While in Kenya, the defendant WADIH EL HAGE met repeatedly with one of the military commanders of al Qaeda, "Abu Ubaidah al Banshiri";

kk. At various times in 1994, ALI MOHAMED used the Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam" to travel to and from Nairobi, Kenya;

ll. In or about 1996, in Mombasa, Kenya, the defendant FAHID MOHAMMED ALLY MSALAM displayed TNT and detonators obtained in Tanzania to the defendant MOHAMED SADEEK ODEH;

The Training of Usama Bin Laden's Bodyguards in the Sudan

mm. At various times in 1994, the defendant ALI MOHAMED used the Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam" to travel to and from Khartoum, Sudan;

nn. In or about the summer of 1994, in Khartoum, Sudan, the defendant ALI MOHAMED provided communications equipment and security training to the al Qaeda bodyguard unit and the members of the Sudanese intelligence service who were protecting USAMA BIN LADEN in Khartoum, the Sudan;

Ali Mohamed and Wadih el Hage Keep in Contact

oo. In or about 1995, defendant ALI MOHAMED sent from California a document concerning the then ongoing trial of Sheik Omar Abdel Rahman to defendant WADIH EL HAGE in Kenya for delivery to defendant USAMA BIN LADEN;

pp. In or about March 1995, the defendant ALI MOHAMED sent from California a letter to defendant WADIH EL HAGE in Kenya which was addressed to "Wad'a Norman" at WADIH EL HAGE's address;

Wadih el Hage Visits Ali Mohamed in California

qq. In or about December 1995, the defendant WADIH EL HAGE visited the defendant ALI MOHAMED in Santa Clara, California;

The Drowning of "Abu Ubaidah al Banshiri" and its Aftermath

rr. In or about the spring of 1996, "Abu Ubaidah al Banshiri," a ranking military commander of al Qaeda, was traveling by ferry through Lake Victoria when the boat sank and "Abu Ubaidah" drowned;

ss. In or about the spring of 1996, the defendants WADIH EL HAGE and FAZUL ABDULLAH MOHAMMED went to Lake

Victoria to investigate the circumstances of the drowning of "Abu Ubaidah al Banshiri" and to report back to the defendant USAMA BIN LADEN;

tt. In or about the spring of 1996, the defendant WADIH EL HAGE sent a copy of a report concerning the circumstances of the drowning of "Abu Ubaidah al Banshiri" to the defendant ALI MOHAMED;

Al-'Owhali Receives Training in al Qaeda Camps

uu. Beginning in or about 1996, the defendant MOHAMED RASHED DAOUD AL-'OWHALI was trained in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda. AL-'OWHALI was trained in explosives, hijacking, kidnaping, assassination and intelligence techniques;

The August 1996 Declaration of War

vv. On or about August 23, 1996, the defendant USAMA BIN LADEN signed and issued a Declaration of Jihad entitled "Message from Usamah Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula" (hereafter the "Declaration of Jihad") from the Hindu Kush mountains in Afghanistan;

Al-'Owhali Meets with Bin Laden

ww. In or about 1996, following his training in a number of camps in Afghanistan, including a number of camps

affiliated with al Qaeda, the defendant MOHAMED RASHED DAOUD AL-'OWHALI met with the defendant USAMA BIN LADEN and asked him for a "mission";

Ali Mohamed and El Hage Engage in Coded Correspondence

xx. At various times during the course of the conspiracy, the defendants ALI MOHAMED and WADIH EL HAGE engaged in coded correspondence with other members and associates of the al Qaeda organization;

El Hage Lies to the FBI in September 1997

yy. On or about September 23, 1997, in the Southern District of New York, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to a Special Agent of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda;

El Hage Lies to the Grand Jury in September 1997

zz. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda;

El Hage Lies to the FBI in October 1997

aaa. On or about October 17, 1997, in Texas, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal

investigation of al Qaeda;

The February 1998 Fatwah Against American Civilians

bbb. In February 1998, the defendant USAMA BIN LADEN endorsed a fatwah under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders." This fatwah stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found;

ccc. In or about April 1998, the defendant MOHAMED SADEEK ODEH discussed the fatwahs issued by BIN LADEN and al Qaeda against America with MUSTAFA MOHAMED FADHIL in Kenya;

The May 1998 Fatwah

ddd. In early May 1998, the defendant USAMA BIN LADEN caused to be published in the newspaper Al-Ouds al-'Arabi a fatwah issued by the "Ulema Union of Afghanistan" which termed the United States Army the "enemies of Islam" and declared a jihad against the United States and its followers;

The May 1998 Press Conference

eee. In the days immediately following a May 1998 press interview, the defendant USAMA BIN LADEN held a press conference in Khost, Afghanistan, attended also by the defendants MUHAMMAD ATEF and MOHAMED RASHED DAOUD AL-'OWHALI, where USAMA BIN LADEN repeated his intention to kill Americans;

Preparation for the Bombings of United States Embassies

fff. In or about May 1998, the defendant FAZUL ABDULLAH MOHAMMED rented a villa located at 43 Rundu Estates in

Nairobi, Kenya;

ggg. In or about June 1998, the defendants KHALFAN KHAMIS MOHAMED and FAHID MOHAMMED ALLY MSALAM purchased a white Suzuki Samurai ("the Suzuki Samurai") at a location in Dar es Salaam, Tanzania;

hhh. In or about June 1998, the defendants MUSTAFA MOHAMED FADHIL and KHALFAN KHAMIS MOHAMED rented house number 213 in the Ilala District of Dar es Salaam, Tanzania;

iii. At various times in or about the summer of 1998, the defendants MUSTAFA MOHAMED FADHIL, KHALFAN KHAMIS MOHAMED, AHMED KHALFAN GHAILANI, and FAHID MOHAMMED ALLY MSALAM met at a residence located at 15 Amani Street in Dar es Salaam, Tanzania;

jjj. In or about July 1998, the defendants AHMED KHALFAN GHAILANI and SHEIKH AHMED SALIM SWEDAN purchased a 1987 Nissan Atlas truck in Dar es Salaam, Tanzania ("the Dar es Salaam Bomb Truck");

kkk. In or about July 1998, the defendant SHEIKH AHMED SALIM SWEDAN arranged for mechanical and welding work to be done on the Dar es Salaam Bomb Truck at various locations in Dar es Salaam, Tanzania;

lll. In or about July 1998, the defendant SHEIKH AHMED SALIM SWEDAN purchased two large truck batteries from a location in Dar es Salaam, Tanzania;

. mmm. In or about July 1998, the defendants AHMED KHALFAN GHAILANI and FAHID MOHAMMED ALLY MSALAM purchased oxygen and acetylene tanks in Dar es Salaam, Tanzania;

nnn. In or about July 1998, the defendant MOHAMED SADEEK ODEH discussed with another member of al Qaeda in Kenya the fact that defendant USAMA BIN LADEN had formed a united front against the United States with other Islamic extremist groups;

ooo. On or about July 31, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI travelled from Lahore, Pakistan, to Nairobi, Kenya;

ppp. In or about July 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI and an individual known as "Azzam" filmed a videotape to celebrate their anticipated "martyrdom" in a bombing operation to be conducted against United States interests in East Africa, claiming credit in the name of a fictitious organization, the "Army for the Liberation of Islamic Holy Places";

qqq. Prior to August 2, 1998, the defendant MOHAMED SADEEK ODEH obtained a false passport to facilitate his travel with other al Qaeda members to Afghanistan to meet with the defendant USAMA BIN LADEN;

The Final Preparations for the Bombings

rrr. During the last week of July and the first week of August 1998, the defendants MUSTAFA MOHAMED FADHIL, KHALFAN KHAMIS MOHAMED, FAHID MOHAMMED ALLY MSALAM, together with

a co-conspirator not named as a defendant herein ("Co-conspirator Two"), met at the residence located at house 213 in the Ilala district of Dar es Salaam, Tanzania, to make final preparations for the bombing of the United States Embassy in Dar es Salaam, Tanzania;

sss. On or about August 1, 1998, an al Qaeda member advised the defendant MOHAMED SADEEK ODEH that all members of al Qaeda had to leave Kenya by Thursday, August 6, 1998;

ttt. In or about early August 1998, the defendant MOHAMED SADEEK ODEH and other members of al Qaeda travelled from Mombasa, Kenya, to Nairobi, Kenya;

uuu. During the first week of August 1998, the defendants FAZUL ABDULLAH MOHAMMED and MOHAMED RASHED DAOUD AL-'OWHALI, together with "Azzam" and other members of al Qaeda, met at a villa located at number 43 Rundu Estates in Nairobi, Kenya, to make final preparations for the bombing of the United States Embassy in Nairobi, Kenya;

vvv. On or about August 2, 1998, the defendants MOHAMED SADEEK ODEH and FAZUL ABDULLAH MOHAMMED, together with other members of al Qaeda, met at the Hilltop Hotel in Nairobi, Kenya;

www. From on or about August 2 through on or about August 6, 1998, the defendant MOHAMED SADEEK ODEH stayed together with other members of al Qaeda at the Hilltop Hotel in Nairobi, Kenya;

xxx. On or about August 4, 1998, the defendants FAZUL ABDULLAH MOHAMMED and MOHAMED RASHED DAOUD AL-'OWHALI, together with "Azzam" and other members of al Qaeda, reconnoitered the United States Embassy in Nairobi, Kenya;

yyy. On or about August 5, 1998, Co-conspirator Two called the Hilltop Hotel in Nairobi, Kenya, from a location in Dar es Salaam, Tanzania;

zzz. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH shaved his beard and obtained new clothing in preparation for travel outside of Kenya to Afghanistan to meet with the defendant USAMA BIN LADEN;

aaaa. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH walked along Moi Avenue in Nairobi, Kenya, in the vicinity of the United States Embassy;

Odeh's, Msalam's and Ghailani's Flight from Nairobi the Night Before the Bombings

bbbb. On or about August 6, 1998, the defendant AHMED KHALFAN GHAILANI left Nairobi, Kenya, for Karachi, Pakistan, on Kenya Airways Flight # 310;

cccc. On or about August 6, 1998, in the evening, the defendant MOHAMED SADEEK ODEH, based on instructions from al Qaeda members and using an assumed name, and the defendant FAHID MOHAMMED ALLY MSALAM left Nairobi, Kenya, for Karachi, Pakistan, on Pakistani International Airways flight # 746;

The Bombing in Nairobi

dddd. On August 7, 1998, beginning at approximately 9:30 a.m., the defendant FAZUL ABDULLAH MOHAMMED drove a pick-up truck from the villa located at 43 Rundu Estates to the vicinity of the United States Embassy in Nairobi, Kenya, while the defendant MOHAMED RASHED DAOUD AL-'OWHALI rode in another vehicle containing a large bomb driven by "Azzam" (the "Nairobi Bomb Truck") to the United States Embassy in Nairobi, Kenya. The defendant MOHAMED RASHED DAOUD AL-'OWHALI possessed four stun-grenade type devices, a handgun and keys to the padlocks on the Nairobi Bomb Truck;

eeee. On August 7, 1998, at approximately 10:30 a.m., the defendant MOHAMED RASHED DAOUD AL-'OWHALI got out of the Nairobi Bomb Truck as it approached the rear of the Embassy building and brandished a stun grenade before throwing it in the direction of a security guard and then seeking to flee;

ffff. On August 7, 1998, at approximately 10:30 a.m., "Azzam" drove the Nairobi Bomb Truck to the rear of the Embassy building and fired a handgun at the windows of the Embassy building;

gggg. On August 7, 1998, at approximately 10:30 a.m., "Azzam" detonated the explosive device contained in the Nairobi Bomb Truck at a location near the rear of the Embassy building, demolishing a multi-story secretarial college and severely damaging the United States Embassy building and the

Cooperative Bank Building, causing a total of more than 213 deaths, as well as injuries to more than 4,500 people, including citizens of Kenya and the United States;

hhhh. Following the August 7, 1998, bombing of the Embassy building, the defendant MOHAMED RASHED DAOUD AL-'OWHALI sought to secrete bullets and keys to the padlock on the Nairobi Bomb Truck in a hospital clinic in Nairobi;

The Dar es Salaam Bombing

iiii. On August 7, 1998, at approximately 10:40 a.m., "Ahmed the German," named as a Co-conspirator but not as a defendant herein, detonated an explosive device contained, along with oxygen and acetylene tanks and truck batteries, in the Dar es Salaam Bomb Truck in the vicinity of the United States Embassy building located in Dar es Salaam, Tanzania, severely damaging the United States Embassy building and causing the deaths of at least 11 persons, including Tanzanian citizens, on the Embassy property, as well as injuries to at least 85 people;

jjjj. On or about August 7, 1998, minutes after the explosion in the vicinity of the United States Embassy building located in Dar es Salaam, Tanzania, the defendant KHALFAN KHAMIS MOHAMED took photographs in the direction of the American Embassy from within the Suzuki Samurai;

"Harun" Flees After the Bombing

kkkk. In the days immediately following the bombings, the defendant FAZUL ABDULLAH MOHAMMED hired persons to

clean the villa located at 43 Rundu Estates in Nairobi, Kenya;

llll. On or about August 14, 1998, the defendant
FAZUL ABDULLAH MOHAMMED went to the Comoros Islands;

El Hage Lies to the FBI in August 1998

mmmm. On or about August 20, 1998, in Texas, the
defendant WADIH EL HAGE made false statements concerning the
nature of his contacts with al Qaeda to Special Agents of the
Federal Bureau of Investigation conducting a criminal
investigation of al Qaeda and the August 1998 bombings in Africa;

Ali Mohamed Possesses Terrorist Training Materials

nnnn. In or late August 1998, the defendant ALI
MOHAMED possessed, among other things:

- documents concerning techniques of surveilling
various targets, including military, diplomatic and
government targets;

- documents concerning the planning of terrorist
operations and the structuring of a terrorist group into
different cells;

- documents concerning how intelligence agencies
operate;

- documents regarding various explosives,
including documents concerning the planting of explosives in
buildings;

- documents regarding assassination techniques;

- documents regarding the firing of various
weapons, including the rocket-propelled grenade ("RPG");

- documents concerning a military-style training
program;

- documents concerning codes;

-- coded correspondence;

-- a report on the drowning death of "Abu Ubaidah al Banshiri" a/k/a "Galal";

-- copies of a document which had been forwarded to USAMA BIN LADEN; and

-- an Egyptian passport in the name of "Ahmed Bahaa Eldin Mohamed Adam" bearing MOHAMED's photograph;

Ali Mohamed Lies to the Grand Jury in September 1998

oooo. On or about September 10, 1998, in the Southern District of New York, the defendant ALI MOHAMED made false statements to a federal Grand Jury conducting an investigation of al Qaeda and the August 1998 bombings in Africa.

El Hage Lies to the Grand Jury in September 1998

pppp. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda and the August 1998 bombings in Africa.

(Title 18, United States Code, Section 2332(b).)

COUNTS TWO THROUGH TWO HUNDRED TWENTY SEVEN:

THE AFRICA BOMBINGS

COUNT TWO

BOMBING OF THE UNITED STATES EMBASSY IN
NAIROBI, KENYA, RESULTING IN MORE THAN 200 DEATHS

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 7 are repeated herein.

12. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," and MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of at least 213 persons, including

Kenyan and American citizens.

(Title 18, United States Code, Sections 844(f)(1), (f)(3) and 2.)

COUNT THREE:

BOMBING OF THE UNITED STATES EMBASSY IN
DAR ES SALAAM, TANZANIA, RESULTING IN AT LEAST 11 DEATHS

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 7 are repeated herein.

14. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani,"

a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of at least 11 persons, including Tanzanian citizens.

(Title 18, United States Code, Sections 844(f)(1), (f)(3) and 2.)

COUNTS FOUR THROUGH TWO HUNDRED SIXTEEN:
MURDERS IN NAIROBI, KENYA

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 7 are repeated herein.

16. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid

Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," and MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of:

<u>Count</u>	<u>Victim</u>
4	BONTIA ACHOLA
5	SAMSON ODUOR AHOMO
6	MARGARET AKINYI
7	JESSE NATHANIEL ALIGANGA
8	SYLIA AMBASA

34-42

Uctions

'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Husseini," a/k/a "Hassan Ali," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of:

<u>Count</u>	<u>Victim</u>
217	ABDULAHAMAN ABDULAH
218	ELISHA PAULO ELIA
219	HASSAN SIYAD HARANE
220	RAMADHANI H. MAHUNDI
221	MTENDEJE RAJABU MBEGU
222	ABDALLAH MOHAMED
223	ABAS WILLIAM MWILA

224	ALMOSARIA YUSSUF MZEE
225	SHAMTE YUSUPH NDALE
226	BAKARI YUSUPH NYUMBO
227	DOTTO SELEMAN

(Title 18, United States Code, Sections 930(c), 1111 and 2.)

COUNTS 228 THROUGH 235: PERJURY BEFORE FEDERAL GRAND JURIES

The Grand Jury charges:

Background

19. Beginning in 1996, the United States Attorney for the Southern District of New York and the Federal Bureau of Investigation, working with a number of other federal, state and local agencies, initiated a Grand Jury investigation into Usama Bin Laden and the involvement of his organization (known as "al Qaeda") in international terrorism. The Grand Jury investigation included, among other things, the issuance of Grand Jury subpoenas calling for witnesses to testify before a Grand Jury sitting in the Southern District of New York and to produce documents to the Grand Jury. By September 1997, the Grand Jury investigation focused, in part, upon: (i) the structure and operational status of al Qaeda in countries including the Sudan, Saudi Arabia, Egypt, Yemen, Somalia, Eritrea, Afghanistan, Pakistan, Bosnia, Croatia, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan and Azerbaijan, and the Chechnya region of Russia and the Kashmiri region of India, as well as in Kenya and the United States; (ii) the targets of al Qaeda's terrorist

activities, including American interests, worldwide; (iii) the relationship between the defendant WADIH EL HAGE and the al Qaeda organization, including its leader Usama Bin Laden, al Qaeda's late military commander known as "Abu Ubaidah al Banshiri," and al Qaeda's current military commander: defendant Muhammad Atef, a/k/a "Abu Hafs el Masry."

20. It was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

- (1) the tactical goals, and corresponding terrorism targets, of Usama Bin Laden and al Qaeda;
- (2) the identities, code names, aliases and whereabouts of any al Qaeda members and associates;
- (3) the names of persons with whom the defendant WADIH EL HAGE associated while living in the Sudan and Kenya and while travelling in Pakistan and Afghanistan;
- (4) the nature and extent of the defendant WADIH EL HAGE's contacts with Usama Bin Laden and Muhammad Atef, as well as with "Abu Ubaidah al Banshiri," particularly in the period from 1993 through the fall of 1997;
- (5) the role played by Usama Bin Laden and the members and associates of the al Qaeda organization, particularly to include the defendants WADIH EL HAGE and Muhammad Atef, as well as "Abu Ubaidah al Banshiri," in the provision of logistical support and training to the persons who attacked the United States and United Nations forces in Somalia in 1993 and the early

part of 1994;

(6) whether "Abu Ubaidah al Banshiri" was working in Kenya and Tanzania on behalf of Usama Bin Laden and al Qaeda during the time preceding his drowning death in Lake Victoria in the summer of 1996;

(7) the particular reason for the travels of "Abu Ubaidah al Banshiri" at the time of his drowning death in the summer of 1996;

(8) the nature of the work conducted by Fazul Abdullah Mohammed, the deputy of the defendant WADIH EL HAGE in Kenya, and whether Fazul Abdullah Mohammed was working for Usama Bin Laden; and

(9) whether the defendant WADIH EL HAGE was still working for Usama Bin Laden's al Qaeda organization in 1997.

21. On or before September 24, 1997, the defendant WADIH EL HAGE was served with a Grand Jury subpoena calling for him to testify before a Grand Jury sitting in the Southern District of New York.

22. On or about September 24, 1997, after taking an oath to testify truthfully, after being advised of his constitutional rights and after being advised that if he failed to testify truthfully he could be prosecuted for perjury, the defendant WADIH EL HAGE testified before a Grand Jury sitting in the Southern District of New York.

23. Following the appearance of the defendant WADIH EL HAGE before the Grand Jury in September 1997, the Grand Jury investigation continued and continues through the date of this Indictment. By the time of September 1998, the Grand Jury investigation was focused on the matters outlined above and other matters that had become of interest since the time of WADIH EL HAGE's 1997 Grand Jury appearance, including, but not limited to: (i) the February 1998 fatwah signed by Usama Bin Laden and others under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders," stating that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found; (ii) subsequent televised threats issued by Usama Bin Laden in May 1998 that his group did not distinguish between military and civilian personnel; (iii) the August 7, 1998, bombing of the United States Embassy in Nairobi, Kenya, which resulted in the deaths of at least 213 persons, including 12 Americans and the wounding of more than 4500 people; (iv) the nearly simultaneous August 7, 1998, bombing of the United States Embassy in Dar es Salaam, Tanzania, which resulted in the death of 11 persons and the wounding of more than 85 persons; (v) the meaning of certain documents recovered in searches conducted in Nairobi, Kenya, in August 1998, following the bombings, which bore the name and code name of WADIH EL HAGE, as well as code names for other al Qaeda members and associates; and (vi) the extent to which WADIH EL HAGE's international travels concerned

efforts to procure chemical weapons and their components on behalf of Usama Bin Laden and Mamdouh Mahmud Salim.

- 24. In addition to the matters recited in paragraph 20 above, it was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

(1) the identities, code names, aliases and whereabouts of al Qaeda members and associates referred to in certain seized documents, including "Norman," "Abu Suliman," "Tayseer" (or "Taysir"), "Adel Habib," "Jalal" and "the Dr.";

(2) the efforts of the defendant WADIH EL HAGE and Mamdouh Mahmud Salim to obtain chemical weapons and/or their components at various times in the 1990's;

(3) the nature and extent of contacts by the defendant WADIH EL HAGE with Fazul Abdullah Mohammed and Mohamed Sadeek Odeh in the period leading up to the bombing of the United States embassies; and

(4) the nature and extent of WADIH EL HAGE's contacts with al Qaeda members and associates since the time of his last Grand Jury appearance.

25. On or about September 15, 1998, the defendant WADIH EL HAGE was served with a Grand Jury subpoena calling for him to testify further before a Grand Jury sitting in the Southern District of New York.

26. On or about September 16, 1998, after taking an oath to testify truthfully, after being advised of his

constitutional rights and after being advised that if he failed to testify truthfully he could be prosecuted for perjury, the defendant WADIH EL HAGE testified before a Grand Jury sitting in the Southern District of New York.

COUNT 228: Statutory Allegation

27. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Now, when was the last time you saw Abu Ubaidah al Banshiri?

A. In Sudan before I left.

Q. 1994 before you left?

A. Yes.

Q. Do you know where he is today?

A. Either in Sudan or in Afghanistan.

*

*

*

(b) Q. Did you look for Abu Ubaidah al Banshiri when you went to Lake Victoria in the summer of 1996?

A. No.

(c) Q. Did anyone tell you Abu Ubaidah had drowned in that

ferry accident?

A. No.

(d) Q. - No one ever told you at any time that Abu Ubaidah drowned in the summer of 1996?

A. No.

(e) Q. To this day has anyone ever told you from any sources that Abu Ubaidah was killed in that boat in the summer of 1996 when it sank at Lake Victoria?

A. Nobody told me.

(f) Q. But just so we are clear, before whatever conversation the FBI had with you yesterday, you had never heard from anyone or seen on any TV show or read in any newspaper that Abu Ubaidah al Banshiri had drowned in the ferry accident in the summer of 1996?

A. No. Never.

(g) Q. And you were not sent to that lake to try to find Abu Ubaidah al Banshiri?

A. No. I went looking for Adel Habib.

(h) Q. My question was, did you ever discuss with him, Haroun, whether or not al Banshiri drowned in Lake Victoria?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT 229: Statutory Allegation

28. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a

proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. When did you hear Al Qaida began to target the United States?

A. In the latest interview with Usama Bin Laden, CNN.

Q. Approximately how long ago did you see Bin Laden state on CNN that the United States was now the target?

A. When I came back to Nairobi about three weeks ago.

*

*

*

Q. Had you ever heard Usama Bin Laden state that the American forces should be attacked, prior to seeing it on CNN television?

A. No, never.

(b) Q. You are positive?

A. Yes.

(c) Q. You are swearing that under oath, under the penalties of perjury -- strike the word swear. You are stating that under oath, under the penalties of perjury, that prior to hearing it on CNN you had not heard Usama Bin Laden declare that America should be attacked?

A. Yes. Never heard that before.

(Title 18, United States Code, Section 1623.)

COUNT 230: Statutory Allegation

29. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da

Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony concerning a photograph of Mohamed Sadeek Odeh:

(a) Q. And I'll show you Grand Jury Exhibit 5 from September 10th of 1998 and ask whether you recognize the person depicted in Grand Jury exhibit 5?

A. I've seen this picture on TV.

Q. You've seen this picture on the TV?

A. Yes.

Q. How recently did you see it on the TV?

A. Two or three weeks ago.

Q. Have you ever seen this person in person?

A. No, I have never seen him in person.

* * *

(b) Q. Who is Mohamed Oudeh?

A. I don't know.

* * *

(c) Q. Do you recognize Grand Jury Exhibit 5 as Mohamed Oudeh?

A. I have never seen this person before.

* * *

(d) Q. Is it your testimony to this Grand Jury under oath that you've never met this person depicted in Grand Jury Exhibit 5 in your entire life?

A. I don't recall meeting him at all.

* * *

(e) Q. As you sit here today, you're telling this Grand Jury you have no recollection of the person depicted in Grand Jury Exhibit 5?

A. Yes, sir. I don't.

(f) Q. You have no recollection?

A. Right.

(Title 18, United States Code, Section 1623.)

COUNT 231: Statutory Allegation

30. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Let me ask you another name. Norman, N-O-R-M-A-N. Do you know who Norman is? And I'll write it out even though it's just -- so there's no confusion of the spelling, N-o-r-m-a-n.

A. No.

* * *

(b) Q. Have you ever been called Norman?

A. No.

* * *

(c) Q. Let me write out one more name. Wa'da Norman, W-a, apostrophe, d-a Norman, N-o-r-m-a-n. Who is that?

A. I don't know.

*

*

*

(d) Q. - Who is Wa'da Norman?

A. I don't know.

(e) Q. Is it you?

A. No.

*

*

*

(f) Q. Are you still telling this Grand Jury that you're not known as Norman or Wa'da Norman?

A. Yes, I'm not Norman.

*

*

*

(g) Q. Have you ever written any letters and signed them with the name Norman at the bottom?

A. No, never.

(Title 18, United States Code, Section 1623.)

COUNT 232: Statutory Allegation

31. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know of any other "Jalal"'s besides the fellow in Louisiana?

A. No.

*

*

*

(b) Q. How many people in Kenya did you know that personally knew Usama Bin Laden?

A. People who knew Usama Bin Laden in Kenya, nobody. You mean know him personally, right?

Q. People who knew him personally had met with him personally?

A. No. I don't remember anyone who did.

*

*

*

(c) Q. Did you know any members of al Qaeda who lived in either Kenya or Tanzania?

A. No.

(d) Q. Did you know any members of al Qaeda who ever visited Kenya or Tanzania?

A. No.

*

*

*

(e) Q. Are you familiar with a person by the name of Abu Ubaidah al Banshiri? And I'll write it on [Grand Jury Exhibit] 66 so if my pronunciation is off it doesn't confuse. Do you know the person by the name of Abu Ubaidah al Banshiri?

A. Yes.

Q. Was he a person who worked for Usama Bin Laden?

A. Yes.

Q. Did he ever visit Nairobi or Kenya -- I'm sorry, Kenya or Tanzania?

A. I don't think so.

*

*

*

(f) Q. Does Adel Habib have another name?

A. Not that I know of.

(g) Q. Isn't Adel Habib known as Abu Ubaidah al Banshiri?

A. Not that I know of.

*

*

*

(h) Q. How do you know?

A. Well, I never knew that he was there.

*

*

*

(i) Q. Wasn't Abu Ubaidah al Banshiri also known as Jalal?

A. I never heard that.

(j) Q. Didn't you also hear that Adel Habib was also known as Jalal, J-a-l-a-l?

A. No.

Q. So your testimony is that you've never heard that Abu Ubaidah was known by the nickname or alias as J-a-l-a-l, correct?

A. Correct.

Q. You've never heard that Adel Habib was known by the nickname Jalal, J-a-l-a-l, is that your testimony?

A. Right.

*

*

*

(k) Q. And it's your testimony under oath to this Grand Jury that you were never told that the person that drowned was Abu Ubaidah al Banshiri?

A. Never.

(l) Q. And you were never told that the person that drowned was also known as Jalal?

A. Never.

(Title 18, United States Code, Section 1623.)

COUNT 233: Statutory Allegation

32. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

Q. Have you ever heard him called the H-a-j-j, have you heard of Usama Bin Laden referred to as the Hajj?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT 234: Statutory Allegation

33. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. And it says "Dear Abu Suliman" at the top. Do you know who Abu Suliman is?

A. No.

*

*

*

(b) Q. Now, in this letter written to Abu Suliman, apparently by Harun, do you know who Abu Suliman is?

A. No.

* * *

(c) Q. It says Abu Suliman, okay. Do you know Abu Suliman?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT 235: Statutory Allegation

34. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Continuing on. The middle where it says, "Tayseer and his friends are still hiking and they enjoy it very much." Is Tayseer a reference to Abu Hafs al Masry, one of the military commanders for Usama Bin laden, yes or no?

A. I don't know.

* * *

(b) Q. Okay. When this letter was written by Harun to Abu Suliman, he's telling people that you have taken a trip with Taysir. Where did you go and who was Taysir?

A. I don't know what he's talking about.

* * *

(c) Q. Do you have any idea as you sit here today who Taysir might be?

A. I can't recall.

*

*

*

(d) Q. As you sit here today, it remains your testimony that you have no idea who Taysir is?

A. I have no idea, no.

(Title 18, United States Code, Section 1623.)

COUNT 236: FALSE STATEMENTS

The Grand Jury further charges:

35. On or about September 23, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri" had died and that he believed that "Abu Ubaidah al Banshiri" was then alive and well and living in Afghanistan with Usama Bin Laden when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

(Title 18, United States Code, Section 1001.)

COUNT 237: FALSE STATEMENTS

The Grand Jury further charges:

- 36. On or about October 17, 1997, in Arlington, Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri," a military commander for Usama Bin Laden, had died when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

(Title 18, United States Code, Section 1001.)

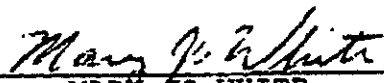
COUNT 238: FALSE STATEMENTS

37. On or about August 20, 1998, in Dallas, Texas, and Arlington, Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a

Special Agent of the Federal Bureau of Investigation that he did not know Mohamed Sadeek Odeh and did not recognize his photograph when in truth and fact EL HAGE knew Mohamed Sadeek Odeh.

(Title 18, United States Code, Section 1001.)

FOREPERSON


MARY JO WHITE
United States Attorney