



1 UNITED STATES OF AMERICA

2 v.

3 **BABAR AHMAD**

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No. 3:04M240(WIG)

AFFIDAVIT IN SUPPORT OF REQUEST FOR EXTRADITION OF
BABAR AHMAD

I, Robert M. Appleton, being duly sworn, state that:

I am a citizen of the United States of America and a resident of the State of Connecticut.

I submit this affidavit in connection with the United States' request for the extradition of Babar AHMAD from the United Kingdom to the United States.

Since 1992, I have been employed by the United States Department of Justice as an Assistant United States Attorney for the District of Connecticut, and currently serve as a Supervisory Assistant United States Attorney. As an Assistant United States Attorney, I am responsible for the preparation and prosecution of criminal cases. Based upon my training and experience, I am an expert in the criminal laws and procedures of the United States. I also serve as a member of the District's Anti-Terrorism Advisory Council, and act as one of three federal prosecutors directly responsible for prosecuting terrorism-related matters in this District.

In the course of my duties, I have become familiar with the charges and evidence in the case of United States v. Babar Ahmad, 3:04M240(WIG). Those charges arose from an investigation by federal agents from the United States Department of Homeland Security, Immigration and Customs Enforcement, Federal Bureau of Investigation, and Internal Revenue Service, all working with investigators from the Metropolitan Police Service in England.

In summary, Babar AHMAD, between 1998 and August 2004,¹ with others and by himself, solicited and invited, through U.S.-based and operated websites and related electronic mail, or e-mail, communications within and without the United States, persons in the United States and elsewhere to give or otherwise make available money and other property, including military items, intending that such support should be used in furtherance of acts of terrorism in Chechnya

¹The Criminal Complaint, described below, charges Ahmad with participating in this activity until sometime in 2003. However, evidence obtained subsequent to the issuance of the Criminal Complaint demonstrates that this activity continued to August, 2004. This latter activity is described herein.

1 and Afghanistan. The acts of terrorism specifically involved violence against persons, including
2 murder, and violence against property in those countries to achieve political, religious, and
3 ideological ends by influencing governments or intimidating the public there.

4 The criminal complaint alleges, among other things, that AHMAD provided assistance
5 to, solicited support for, and coordinated with Chechnyan *mujahideen* and Taliban fighters
6 battling U.S. troops in Afghanistan. AHMAD used Websites operated in the United States
7 devoted to this. Many of the materials on the Websites provide operational details on the
8 manner in which visitors may go fight or may send money or other support to a specific official
9 of the Taliban government. A series of e-mails to and from one of the Azzam e-mail accounts to
10 which AHMAD is linked reflect contact with a specific supplier, which supplier is a Chechen
11 *mujahideen* leader who is a designated terrorist under U.S. law. AHMAD attempted to conceal
12 his connection to the Websites by the use of aliases and encrypted data.

13 AHMAD was also in possession of a document which concerned authentic battle group
14 plans of a U.S. naval battle-group operating in the Straits of Hormuz in April, 2001. The
15 document was seized from AHMAD in December, 2003, by British authorities and the
16 information thereon has been confirmed to be legitimate by U.S. Navy personnel. The document
17 specifically describes the battle-group's vulnerability to a terrorist attack, and provides specific
18 examples on how the ships might be attacked.

19 By the aforementioned conduct, AHMAD conspired with other persons to: (1) use
20 Azzam Publications and its Websites and e-mail accounts to solicit material support or resources
21 for persons involved in a conspiracy to kill people abroad; (2) launder money by transferring
22 funds from the United States to places outside the United States with the intent to promote the
23 killing of persons abroad; and (3) engage in illegal financial transactions with the Taliban,
24 Chechen Mujahideen, and specific terrorist leaders.

25 **DETAILED FACTS OF THE CASE**

26 The factual allegations set forth herein are based on the following: (1) testimony of
27 witnesses with personal knowledge of some of the events described; (2) the results of various
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1 search warrants executed in the United Kingdom² (in December, 2003, and August, 2004) and
2 the United States; (3) computer records and e-mail correspondence; (4) computer forensic
3 analysis; and (5) other documentary evidence. Each offense in question occurred in part within
4 the physical jurisdiction of the United States.

5 The evidence demonstrate that AHMAD has sought to provide material support – in
6 terms of supplies, money, personnel, and weapons – to aid the Taliban, Al Qaida, and the
7 Chechen Mujahideen in Chechnya and Afghanistan. AHMAD has utilized various means to
8 engage in such activity, including personal efforts on his own, as well as solicitations on internet
9 websites established, operated, and maintained in the United States.

10 **www.azzam.com family of websites**

11 AHMAD operated Azzam Publications websites, most prominent of which was
12 www.azzam.com, from approximately 1997 until 2003. From approximately 1997 through
13 1998, AHMAD operated www.azzam.com through an Internet Service Provider (“ISP”) called
14 “Internet Quality Services” in Las Vegas, Nevada. He operated www.azzam.com from
15 approximately 1999 through 2001 through “OLM LLC” (“OLM”), an ISP in Trumbull,
16 Connecticut, where the web services and e-mail accounts associated with the site were operated.
17 AHMAD purchased OLM’s services through an Alabama-based reseller of Internet services
18 called “AllWebCo.” As described more fully below, following the September 11, 2001, attacks
19 upon the United States, through 2002, AHMAD and others maintained mirror, or duplicate, sites
20 for Azzam Publications at www.qoqaz.net, and later in 2002 at www.waaqiah.com, to which
21 they routed persons who tried to access www.azzam.com and www.qoqaz.net.

22 From in or about 1997 to at least in or about 2003, AHMAD assisted the Taliban and
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25
26 ² In December, 2003, British officials executed search warrants, and seized evidence from: (1)
27 Ahmad’s locked office at Room 419 of the “Hut” at the Imperial College of Science and Technology
28 Visualization Center in London; (2) his parents’ residence, where he also had a room, at 42A
Fountain Road, Tooting, London; (3) 94 Fountain Road, Tooting, London, a place associated with
Ahmad; and (4) 38 Avoca Road, London, also associated with Ahmad. Evidence seized as a result
of these searches is referred to below. British officials also conducted searches at the time of
Ahmad’s arrest in August, 2004.

1 Chechen mujahideen³ via websites and e-mail accounts that AHMAD maintained and used
2 through Azzam Publications. Through his and others' computer and Internet expertise and
3 assistance, AHMAD operated and maintained the Azzam Publications websites
4 www.azzam.com, www.qoqaz.net, and www.waaqiah.com (collectively the "websites"). As
5 detailed below, AHMAD used the Azzam Publications websites and e-mail to:

- 6 (a) solicit contributions and funds, equipment, and assistance to the Taliban and Chechen
7 mujahideen, specifically directing some appeals to potential American donors;
8 (b) assist individuals in sending funds and equipment to the Taliban and Chechen
9 mujahideen;
10 (c) recruit individuals to train, travel to Jihad lands (using visas obtained by supplying
11 false information to government officials), and join in Jihad, including fighting for the
12 Taliban; and
13 (d) assist Chechen mujahideen leaders in vetting individuals who wished to meet and
14 assist the Chechen mujahideen.

15 AHMAD registered the Azzam Publications website domain names. He paid ISPs for the use of
16 computer hardware and software to host and operate the websites and their e-mail accounts. He
17 had and used administrative access to the websites. He maintained and monitored the content of
18 the websites, including the content described below. He maintained and processed customer
19 orders for items purchased through the websites. He accessed and used the Azzam Publications
20 administrative e-mail accounts,⁴ and reviewed and stored e-mail communications on the
21 accounts.

22 The Content of the Websites

23 From approximately January 1997 until December 1998, www.azzam.com included a
24 question and answer page describing the website's purpose:

25
26 Azzam Publications has been set up to propagate the call for Jihad,
27 among the Muslims who are sitting down, ignorant of this vital
28 duty Thus the purpose of Azzam Publications is to 'Incite the
believers' and also secondly to raise some money for the brothers.

3 The term "mujahideen" refers to militant Islamic guerrilla fighters, for example Taliban fighters in Afghanistan and militant Muslim guerrilla fighters in Chechnya, who engage in jihad and fight against persons or governments that are deemed to be enemies of a fundamentalist version of Islam.

4 Administrative e-mail accounts are those which are not publicly listed on a website, but which are associated with the site or its proprietor.

1 The website continued: "What can I do to help jihad and the mujahideen?"

2 Obviously the best way of helping Jihad and the Mujahideen is by
3 actually going to the lands of Jihad and physically fighting

4 Although the website disclaimed sponsoring jihad, in fact it urges that "[i]n the same way that a
5 determined businessman can travel to Outer Mongolia to clinch a business deal, can an educated
6 person not find out how to get to e.g. Bosnia, Afghanistan or Eritrea?" It further urges that if an
7 individual cannot fight, he nevertheless has a religious obligation to raise money:

8 the first and most important thing that Muslims can do in the West
9 is to donate money and to raise it amongst their families, friends
10 and others Jihad is a profitable investment that pays
11 handsome dividends. For someone who is not able to fight at this
12 moment in time due to a valid excuse they can start by the
13 collection and donation of funds.

14 The website emphasizes that individuals can also directly participate in the Jihad support
15 infrastructure:

16 The Jihad does not only consist of one person firing a gun. It
17 consists of a large and complex structure that includes: the one
18 who organises the weapons and ammunition, the one who cooks
19 the food, the one who cleans the toilets, the one who looks after the
20 sick and injured, the one who sits in the radio communications
21 room, the one who maintains the motor vehicles, the one overseas
22 who raises the money, the one who brings or transfers the money,
23 the one sitting in a Western country who locates and purchases
24 highly sophisticated equipment such as High Frequency Radios,
25 etc. etc.

26 Along with the materials above, the www.azzam.com site published Usama Bin Laden's
27 1996 "Declaration of War Against the Americans Occupying the Land of the Two Holy Places."
28 The Declaration of War explicitly directed the removal of United States military forces in the
Middle East by violence, stating "[t]he presence of the USA Crusader military forces on land, sea
and air of the states of the Islamic Gulf is the greatest danger threatening the largest oil reserve
in the world." It states that "utmost effort" should be given to driving the "American-Israeli
alliance - occupying the country of the two Holy Places" out of the Arab peninsula.

From as early as February 29, 2000, through December 17, 2001, both the
www.azzam.com and www.qoqaz.net websites stated that "Muslims must use every means at
their disposal to undertake military and physical training for Jihad," and the sites provided

1 instructions for individuals to prepare to wage jihad through physical training and training in
2 firearms. One set of instructions, entitled “How can I Train Myself for Jihad,” was posted on
3 www.qoqaz.net and available on www.azzam.com through links to the www.qoqaz.net website.
4 Although the posting begins with a disclaimer that it is for “information purposes only” and that
5 Azzam Publications and the website’s maintainers do not encourage illegal acts, it also stated
6 that “military training is an Islamic obligation, not an option.” It directed readers to obtain
7 physical training for military purposes, and to refer to U.S. Army training manuals and “books
8 written by ex-British soldiers.” This posting instructed individuals to obtain firearms training
9 and, if in a country where permissible, “[o]btain an assault rifle legally, preferably AK-47 or
10 variations, [and] learn how to use it properly.” It further instructed that individuals training for
11 Jihad should attend firearms courses alone or in pairs:

12 Do not make public announcements while going on such a [firearms] course.
13 Find one, book your place, go there, learn, come back home and keep it to
14 yourself. Whilst on the course, keep your opinions to yourself, do not argue or
 debate with anyone, do not preach about Islam and make Salah in secret. You are
 going there to train for Jihad, not call people to Islam.

15 The posting advised individuals to respect the laws of their country and “[l]earn the most
16 according to your circumstances and leave the rest to when you actually go to Jihad.” It also
17 stated that since Jihad is spent coping with harsh environments, individuals should obtain
18 survival and outdoors training. The posting stressed it is “vital” to join martial arts clubs that
19 emphasize street fighting and self-defense skills, and clubs that teach sword and knife fighting.
20 Finally, it suggested that individuals read up on certain topics, including sniper training,
21 mine/counter mine operations, mortars, and combat skills for soldiers.

22 In late 2000, both www.azzam.com and www.qoqaz.net reported what was claimed to be
23 an “imminent” threat of a gas attack. Also posted was an "Urgent Appeal For Help" for the
24 Taliban, with explicit requests for individuals to send “large quantities of gas masks (in tens of
25 thousands) and NBC warfare suits to the Taliban via the Taliban Embassies in Pakistan,” as well
26 as “wealthy Muslim businessmen, companies, mosques, communities, and organizations to
27 arrange a constant supply of cash [to the Taliban].”

28 Throughout 2001, these websites provided explicit instructions on how to raise,

1 transport, and personally deliver over \$20,000 in United States currency to the Taliban Consul-
2 General in Karachi, Pakistan, Mullah Rahmatullah Kakayzada Khybanay Shamsheer. Both sites
3 advised that fund-raising appeals should be held “in the name of the People of Afghanistan
4 rather than the Taliban, since enemies of Islam will try to prevent fund-raising for the Taliban in
5 the future.” The websites directed donors to convert funds into U.S. dollars and deposit them
6 with two or three “wealthy, trustworthy and respected members of the community or
7 organization.” The websites further instructed that when the amount reaches \$20,000, members
8 of the donor organization or community should travel to Pakistan with the cash and a protective
9 escort.

10 The websites also recommended that the delegation carry an official letter on the
11 letterhead of the organization or centre “giving the full names of the members of the delegation,”
12 stating that the donation was “for the suffering people of Afghanistan.” This clearly was an
13 attempt to circumvent the then-existing embargo on donations to the Taliban. The websites also
14 posted a form letter, explicitly written for use by United States organizations and residents to be
15 produced upon request to government authorities. The posted form letter read as follows:

16 We would like to introduce our official delegation from the Islamic Centre of
17 South Arlington who are carrying monetary assistance for the suffering people of
18 Afghanistan. The members of this delegation are listed below:

- 18 1. Abdullah Muhammad Saeed, American passport Holder
- 19 2. Ishaq Mansoor Al-Katib, American passport holder
- 20 3. Muhammad Abdur-Rasheed, Canadian Passport Holder

21 They are carrying a quantity of cash donations which have been collected by the
22 Muslim community of South Arlington and are to help the suffering people of
23 Afghanistan. We request all those to whom it may concern to allow the bearers of
24 this letter to pass freely without let or hindrance and to provide them such
25 assistance or protections as may be necessary.

23 * * *

24 Signed,

25 Chairman of the Islamic Centre of South Arlington, USA

26 The sites warned donors not to hand the funds to any official:

27 UNDER NO CIRCUMSTANCES MUST ANY OF THE MONEY HANDED OVER
28 TO ANY OFFICIAL OF ANY AIRPORT OR COUNTRY IN THE WORLD, EVEN
FOR A FEW SECONDS. IF THERE IS A MAJOR PROBLEM, SAY THAT YOU

1 WILL RETURN BACK TO YOUR COUNTRY WITH THE MONEY BUT THAT
2 YOU WILL NOT HAND OVER THE MONEY TO ANYONE UNDER ANY
3 CIRCUMSTANCES, EXCEPT ITS INTENDED RECIPIENTS. IF THEY OFFER
4 TO KEEP THE MONEY SAFELY FOR YOU UNTIL YOU DEPART, REFUSE
5 AND INSIST TO STAY WITH THE MONEY, EVEN IF IT MEANS STAYING
6 IN THE AIRPORT UNTIL THE NEXT FLIGHT.

7 Once safely in Pakistan, donors were instructed to hand money to the Taliban Consul-General,
8 Mullah Rahmatullah Kakayzada Khybanay Shamsheer, and to no one else.

9 This same fund raising solicitation and instructions were also posted by a specific
10 individual who resided in the United States and who served as a U.S.-based administrator for
11 www.qoqaz.net, the mirror site of www.azzam.com, as well as for Azzam Publications sites
12 generally in late 2001.⁵ During 2001 that person posted the same solicitation and instruction on
13 another U.S.-based website, www.minna.com, which this individual also operated. Further, a
14 search of this person's residence in New Jersey resulted in the recovery of contact numbers for
15 Azzam Publications in hardcopy and electronic form. Therefore, it is evident that AHMAD
16 worked in concert with this individual to maintain the continued operation of the Azzam sites,
17 through the use of mirror sites, when the administrators of Azzam sites shut the
18 Wwww.azzam.com site down after 9/11. This U.S. individual's participation in the effort to
19 continue the existence of the Azzam website content in another form through the use of mirror
20 sites demonstrates that a concerted effort existed between the administrators of Azzam, including
21 Ahmed, and individuals in the United States and others to further the goals of Azzam, that is, to
22 solicit funds for organizations for which support is prohibited under U.S. law, namely the
23 Taliban and Chechen Mujahideen, in an effort to support their goals.

24 In addition to the specific fund-raising instructions set forth above, throughout 2000 and
25 2001, the Azzam Publications websites also instructed that individuals use the hawala system --
26 a record-less financial transaction system -- to transfer funds to Pakistan and the Taliban to avoid
27 interception of the funds.

28 ⁵A mirror is a Web site or set of files on a computer server that has been copied to another so that
the site or files are available from more than one place. A mirror site is an exact replica of the
original site and is usually updated frequently to ensure that it reflects the content of the original site.
Mirror sites can be used to allow access when the original site is no longer operable.

1 Further, the investigation has revealed that, in fact, specific individuals in the United
2 States conspired and arranged with Babar AHMAD and Azzam Publications to make
3 contributions to mujahideen. An e-mail to Azzam from an individual in the State of New Jersey
4 recovered during the investigation reveals that the individual made a cash contribution on or
5 about June 25, 2000, to Azzam. The e-mail was sent to qoqaznet@yahoo.co.uk and stated:

6 “Yes, I would like to donate to Azzam Publications and to the brothers who are
7 fighting [a reference from a previous e-mail by this individual to the Mujahideen in
8 Bosnia and Taliban in Afghanistan]. Insha’Allah, you can forward my donation to them
and keep a portion for Azzam. Insha’Allah, I will be able to send \$100 right away and
more later.”

9 Many of the Azzam Publications web site postings and e-mail responses to inquiries
10 from 2000 to 2002 disclaimed ability to accept donations of funds or assistance. However,
11 several e-mails revealed that, consistent with Azzam Publications’ stated purpose and the
12 instructions outlined above, AHMAD used e-mail accounts (including specifically
13 qoqaz@azzam.com and azzampublications@yahoo.com) to coordinate the transfer of funds and
14 equipment to Chechen mujahideen groups and the Taliban. For example, in November 2000, an
15 e-mail was sent from an individual to Azzam Publications, stating in part:

16 On your site there is an article about JOINT U.S./RUSSIAN CHEMICAL
17 ATTACK ON AFGHANISTAN IMMEDIATE Appeal for donations to the Taliban
18 Government Appeal for gas masks I would like to donate where do I start. Or
where do I send a shipment of gas masks to?

19 Instead of disclaiming ability to direct or assist the donor, a response from an Azzam
20 Publications administrative e-mail account stated, “Instructions later this weekend.” This reply
21 was sent from azzampublicatons@yahoo.com, which is referenced in the pagefile.sys file of a
22 hard drive recovered from AHMAD’s office at Imperial College of Science and Technology
23 (“Imperial College”) in London.

24 In another instance, Azzam Publications vetted for a Chechen mujahideen leader an
25 individual seeking in March 2001 to return from the United States to Chechnya with hand-
26 warmers for the Chechen mujahideen. This person wrote to Azzam, as follows:

27 Assalam alleikum, dear brothers,

28 Jazaka Allahu khair for helping your sisters and brothers in Chechnya who
have fighting fee sabeelillahi. For a long time your site has been one of

1 the information sites for me to learn about the events under at home in
2 Chechnya. But I am writing to clarify some confusion which has arisen around
3 my name. My name is [Name Redacted]. I have come to USA about three
4 months ago to get some bodywarmers to keep the brothers warm throughout the
5 winter as losses last winter were high in the mountain due to extreme cold. Now
6 that the winter is over I have been trying with almost no success to organize
7 some fund raising for the brothers in Chechnya as I have been authorised to
8 do so by brother S.B. in Chechnya whom I have known for a long time. The
9 confusion has arisen when some people told me that they asked your site
10 about me and you informed them that I am not a representatives of the
11 brothers in Chechnya. I think you have said and done things out of the best
12 inclinations. There are many crooks out there who decry Sharia in public and
13 then go around the masjids to ask for money. People who have been trying to
14 make fortune on the blood of the Muslims of Chechnya. I am very upset that I
15 may be considered one of such because of misinformation from your end. But
16 this confusion stems from your lack of knowledge. I ask you as brothers to
17 get in touch with brother Sh. B and ask him about me - brother [Name Redacted]
18 from the village of [Name Redacted]. I know you stay in touch with brother H.
19 who does not know me although I met a few times in Chechnya and Daghestan. I
20 am not going to write you my biography here as the site and e-mail is monitored.
21 But I urge you, brothers, to check up my files through S.B. or brother Abdullah
22 (a Chechen brother, Shura rep in the world, H.stays in touch with him too)
23 or S.B. representative in Turkey Sharia. This is my second trip in USA in
24 one year. If you have any difficulties contacting these people I can help
25 you with that too.

14 I am looking forward to your response.

15 Salam Alleikum.

16 After vetting this individual with Chechen mujahideen leader Shamil Basayev, Azzam
17 Publications responded on August 22, 2001, through an administrative e-mail account,
18 azzampublications@yahoo.com:

19 Dear Brother,

20 Assalamu-alaikum.

21 Via trusted contacts, we did make contact with Shamil Basayev himself,
22 mentioned all your names and details to him and even showed your photographs
23 to him, but he said that he did not know you. That is what we based our
24 information on.

24 Wassalam

25 As with the earlier gas mask and funds communications, this March 2001 inquiry regarding a
26 return to Chechnya and handwarmers was sent to qoqaz@azzam.com. In December, 2003, e-
27 mail from this same account, dated in late July 2001, was found on a floppy disk with AHMAD's
28 belongings in a room he used in his parents house in Tooting, London.

1 An email message was also received by Azzam Publications from Chechen Mujahideen
2 Commander Shamil Basayev through the email address chechenjihad@hotmail.com which
3 stated: "Did you forget Cahar Dudayev, Salman Raduyev, Hamza Halidov . . . We want their
4 profiles in your site. What happened to `alnewolfs.' 21st April is Dudayev's death time. Please
5 write his profiles Chechens of Turkey." On May 7, 2001, the response from Qoqaz.net
6 was "Send us their profiles, in English, and we'll include them on our site."

7 Through various search warrants executed in the United States, U.S. agents obtained the
8 e-mail address books for the Azzam Publications administrative accounts, of which there are
9 several. These address books allow an account user to call up saved e-mail addresses and send
10 e-mails to those saved addresses. One Yahoo administrative account, qoqaz@azzam.com,
11 contains an e-mail from one of the e-mail accounts listed on one of the Azzam Publications
12 administrative account address books. This e-mail seeks assistance from Azzam Publications in
13 sending money to Chechen mujahideen leaders Shamil Basayev and Ibn Khattab. The e-mail
14 account that sent the request, was traced to a residence in Connecticut, and records of the
15 Benevolence International Foundation ("BIF") reveal that the individual who sent the e-mail had
16 made over \$10,000 in donations to BIF, including a \$5,000 donation for "Chechnya Hand
17 Warmers." These communications were both sent to the qoqaz@azzam.com e-mail account and
18 were stored in the administrative account azzampublications@yahoo.com. The investigation has
19 revealed that both were controlled and accessed by AHMAD.

20 Further, in February, 2000 the Qoqaz.net website posted donations links for two
21 purported charities, one of which was BIF. Arnaout, the Director of BIF in the United States,
22 was prosecuted in the Northern District of Illinois in the matter of United States v. Enaam M.
23 Arnaout, No. 02CR892, for various offenses, including material support of terrorism.⁶ Evidence
24 was obtained in that matter which demonstrated that BIF sent nineteen wire transfers from its
25 checking account, in the aggregate amount of \$685,560.00 (six hundred eighty five thousand,
26 five hundred and sixty dollars) to BIF's bank accounts in Baku, Azerbaijan, Moscow, Russia,

27
28 ⁶Arnaout pleaded guilty to Racketeering Conspiracy, Conspiracy to Provide Material Support to Terrorists, Money Laundering and Mail and Wire Fraud.

1 and Riga, Latvia, and “Georgian Relief Association MADLEE” in Tbilisi, Georgia, an entity
2 also with links to the Chechyn Mujahideen.⁷

3 In 2000, the Azzam web sites also advertised for sale the videotape “Martyrs of Bosnia,
4 Part I.” The video contained, amongst other things, combat footage of the Chechen Mujahideen
5 and depictions of Mujahideen Field Commander Ibn Khattab. The video was produced by
6 Azzam Publications in 2000 and available on the Azzam websites in 2001 and the Maktabah AL
7 Ansaar Bookshop in Birmingham, England. At the end of the video, Khattab stated:

8 The Brothers in Britain, may Allah Reward them, have put much efforts
9 to publicize the Jihad. There is an organization by the name of Azzam
10 Publications, which is run by brothers who are known to us and maintain
11 regular contact with us. So anyone who wishes to support us or
12 requires any further information about the situation here, they should
13 contact this organization. So the brothers at Azzam Publications, may
14 Allah preserve them, are cooperating with us in media efforts. They
15 have made commendable efforts to publicize the Jihad, so if you make
16 contact with them and support them, Ishallah, it will be very beneficial.

13 The rear cover of the video provided the following information: Azzam Publications, BCM
14 UHUD, London, WC1N3XX, UNITED KINGDOM; Website <http://www.azzam.com>; E-Mail
15 azzam@azzam.com.⁸

16 The Qoqaz site also included postings seeking doctors to travel to Chechnya to make
17 contact with Ibn al Khattab and provide medical services at the front. The website also urged
18 those wishing to go to Chechnya to fight to get training in Afghanistan, adding:

19 Anyone interested in going to fight (if they are trained) or in going to train should
20 contact members of their own communities and countries who are known to have
21 been for Jihad. You will know these people and they will know you. In these
22 cases, you should only speak in confidence to those whom you trust, rather than
23 speaking to everyone.

25 ⁷In its Illinois office, BIF had a copy of “A call to All Muslims” from “The Commanders of the
26 Mujahideen in Chechnya,” dated February 22, 2000. On the bottom of BIF’s copy is written
27 “www.Qoqaz.Com. The investigation in Illinois concluded that the Qoqaz web site was the source
28 of the document. In discussing the fighting in Chechnya, the mujahideen commanders ask: “And
today thousands of your fellow Muslims are being killed, yet where is your support for us?”

⁸Also available on Azzam.com was a video entitled “Russian Hell in the Year 2000” which depicted
Ibn Khattab killing a captured injured Russian soldier in Chechnya.

1 Starting in or before November 2001 and continuing until at least March 23, 2002,
2 www.azzam.com included instructions on who could be selected to travel to Afghanistan. The
3 website stated that, because of travel restrictions, only Pakistanis could obtain papers to travel to
4 Pakistan without difficulty. The website explained that only Pakistani nationals living in the
5 United States, Canada, the United Kingdom, and other countries could obtain a visa to travel to
6 Pakistan, through which they could enter Afghanistan. The posting urged Pakistanis to “either
7 resign from your job and take a year out or request unpaid leave from your employer.” The
8 website instructed individuals applying for a visa to provide a false reason for travel (e.g. “To
9 visit relatives, give their names and addresses if required on the form,” id.), to write a nominal
10 period for the duration of the visit (“two months, one month, six weeks, etc.”), and
11 to pay attention to your physical appearance and have any answers to what the
12 staff may ask you. Remember that the Pakistani Government is NOT on the side
13 of the Muslims and they will not be sympathetic to your desires to go and fight in
14 Afghanistan.

15 The site directed readers to “try to avoid mentioning your plans to other people, including your
16 family, if you suspect they are careless with their tongues.”

17 **Ahmad’s Association with the Websites**

18 The investigation has revealed that Azzam Publications and the various websites were
19 operated, maintained, and administered principally by AHMAD. As detailed below, the
20 government’s evidence of this is extensive. That evidence demonstrates that AHMAD:
21 registered the websites; paid for this registration; maintained exclusive access as administrator of
22 www.azzam.com; accessed the website as its administrator; used encryption devices to operate
23 www.azzam.com; and utilized Azzam Publications administrative email address.

24 AHMAD personally operated the Azzam Publications domain names and websites,
25 including www.azzam.com and www.qoqaz.net, using post office boxes and aliases to conceal
26 his involvement. Internet domain registration and other ISP records reveal that from
27 approximately 1997 through in or about 2001, www.azzam.com was registered under the name
28 “D. Karim” at the address BCM UHUD, 27 Old Gloucester Street, London, WC1N 3XX, United

1 Kingdom. The designation “UHUD” refers to a specific rented post office box. The
2 investigation reveals that AHMAD used this box to conduct Azzam Publications operations.

3 For example, post office records indicate that the UHUD account was opened in
4 approximately April 1994, and paid for in cash. Thereafter, until in or about 2003, mail to the
5 UHUD account was forwarded to Suite 188, 28 Old Brompton Road, London, SW7 3SS, United
6 Kingdom, which is a post office box rented under the name “D Karim, Weeks Hall, Princess
7 Gardens, South Kensington.”⁹ According to post office records for the period in which the
8 UHUD box was active, AHMAD also maintained at this same post office location service for his
9 company, Optica Import Export Limited (“Optica”). AHMAD and an individual associated
10 with the name “D.Karim” attended Imperial College as students, and both resided in Weeks Hall
11 at the same time. During an interview in May 2004, this individual stated that he has never had a
12 post office box or run a website. He recalled that one of his fellow students in Weeks Hall at
13 Imperial College was “B (or D) AHMAD or Ahmed,” and that this individual held extremist
14 views.

15 AHMAD also used the alias “Dr. Karim” and paid the United States domain name
16 service, “ZoneEdit,” to direct Internet queries seeking the Azzam Publications websites
17 www.azzam.com, www.qoqaz.net, and www.waaqiah.com to computer systems that were used
18 to host those websites. ZoneEdit was hired by Azzam Publications in 2001 and 2002. An
19 electronic copy of a document recovered off a floppy disk seized from AHMAD’s locked office
20 in December, 2003, contains instructions to pay ZoneEdit, Inc. in the name of “Dr. Karim” for
21 services in 2001. Included within this document is a copy of the ZoneEdit invoice to Azzam
22 Publications. Investigators obtained a money order purportedly sent on November 21, 2001, by
23 a “Dr. Karim” to ZoneEdit for \$350. The money order was obtained from the Portman Square
24 branch of Barclays Bank, where AHMAD also maintained an account for “Psychro,” another one
25 of his companies.

26
27 ⁹ According to company representatives for this post office box service, although identification
28 is usually taken from customers when a box is rented, no identification was recorded in this instance.
The account was opened in December 1995 and closed in early 2004.

1 Records of two ISPs – OLM (based in Connecticut) and Netscaliber UK Ltd.
2 (“Netscaliber,” based in the United Kingdom) – show that AHMAD had exclusive access to
3 www.azzam.com as the administrator to the site, and that he used this access to operate and
4 maintain this website. The Azzam Publications websites were physically operated using
5 computer servers in the United States, specifically in the States of Connecticut and Illinois.
6 AHMAD’s access, which included administrative access throughout 2000 and 2001, was
7 obtained through a Netscalibur ISP account that AHMAD operated in the name of his company,
8 Optica. AHMAD paid for this Optica Internet account via his personal Mastercard credit card
9 from May 1998 through August 2001. OLM’s records confirm that administrative access to
10 www.azzam.com was obtained from an Internet Protocol (“IP”)¹⁰ address at Imperial College.
11 These records show that, for a 32 minute period on September 21, 2001, someone using a
12 computer at Imperial College on several dozen occasions accessed various pages of
13 www.azzam.com to review, among other postings, solicitations for assistance to the Taliban and
14 products sold on the website. The last seventeen log entries of this 32 minute period reflect
15 administrative access, which is customarily conducted only by those who operate and maintain a
16 website.

17 Further evidence links AHMAD with the operation, administration, and maintenance of
18 the Azzam Publications websites. Registration information for www.qoqaz.net lists a “Lara
19 Palsemo” as its contact person, with an address of 17 Ave Dimonso, Sao Paolo, Sp1211, Brazil,
20 and e-mail address of azzamcom@ummah.org. In December, 2003, investigators found that
21 AHMAD’s locked office in England contained a deleted electronic version of a letter discussing
22 the registration of this website with a U.K. Internet domain name registration service. Although
23 the letter was purportedly authored by “Dr. D. Karim and Ms. Palsemo,” that the electronic
24 version was found in AHMAD’s locked office indicates that AHMAD used these aliases to
25 register and maintain the website.

26
27 ¹⁰ An Internet protocol (“IP”) address is a unique string of numbers that identifies a particular
28 computer on the Internet.

1 Data recovered from the storage media in AHMAD's office in December, 2003, reveal
2 that AHMAD made extensive use of encryption in the operation of Azzam Publications and the
3 www.azzam.com web site. Individuals using computers and the Internet often use encryption to
4 limit access to their communications, their activities and accounts, and services that they access
5 through the Internet. A review of the storage media recovered from AHMAD's office at
6 Imperial College reveals that he used "Pretty Good Privacy" ("PGP") encryption¹¹ to operate the
7 Azzam Publications web site www.azzam.com. Specifically, both public and private PGP
8 encryption keys were recovered form data storage media in AHMAD's office, "AZP.asc"
9 (private) and "AZPpublic.asc" (public).

10 A floppy disc seized from AHMAD's residence at 94 Fountain Road, Tooting, London,
11 in December, 2003 contained, among other files, two deleted files referencing website
12 administration. One document provides explicit instructions on obtaining an International
13 Money Order ("IMO") in the amount of \$348 from Barclays Bank (all known IMOs to date are
14 from Barclays), in the name of "M Alcalá," for the U.S.-based ISP, "Virtual Space." The
15 instructions begin with "...borrow 250 [British Pounds] from anyone. I will return it on
16 Wednesday." The address of the U.S.-based ISP is also provided in the document, as are
17 directions to the Barclays Branch from which the IMO is to be purchased. Analysis of the
18 properties of the document reveal that it was authored by "BA" at "CSS, Imperial College" and
19 created on September 9, 1999.

22 The second deleted document that was recovered is a letter addressed to Virtual Space
23 and appears to be from a "Maria Alcalá," a previously known pseudonym used by Babar
24

25 ¹¹ PGP encryption is a technique for encrypting data. PGP is based on the public-key
26 encryption method, which uses two keys -- a public encryption key known to everyone and a private
27 or secret encryption key known only to the recipient of the message. For example when Person A
28 wants to send a secure message to Person B, A uses B's public key to encrypt the message. B then
uses her private key to decrypt it. An important element to the public key system is that the public
and private keys are related in such a way that only the public key can be used to encrypt messages
and only the corresponding private key can be used to decrypt them. Moreover, it is virtually
impossible to deduce the private key if you know the public key.

1 AHMAD and others to administer the Azzam family of sites. The letter, dated September 19,
2 1999, states that payment in the amount of \$348 is enclosed in the form of an IMO. Payment is
3 for services relating to the website qoqaz.com. Analysis of the properties associated with this
4 document also reveal that the document was authored by "BA" at "CSS, Imperial College" and
5 created on September 9, 1999.
6

7 E-mail communications obtained during searches of Azzam administrative accounts
8 reveal that AHMAD used PGP keys to authenticate Azzam Publications www.azzam.com login
9 information for Network Solutions, a registrant of Internet domains. October 2001 e-mail
10 correspondence from the azzamcom@yahoo.com administrative account to Network Solutions
11 shows the registration of the PGP keys for the Network Solutions Guardian program, a protocol
12 used to authenticate user identities for the administration of websites. In the e-mail, the public
13 encryption key "AZPpublic.asc" is submitted for www.azzam.com. This same key was also
14 recovered on a floppy disk in Babar AHMAD's office in December, 2003. In addition, links to
15 this same file, "AZPpublic.asc" on a PGP Disk volume labeled "PVR" were recovered on the
16 same hard drive in Babar's office that also contained AHMAD's letters to the ISP and a bank,
17 the directories for Azzam Publications site administration, and the deleted letter in the names of
18 Dr. D. Karim and Lara Palsemo.
19
20

21 Analysis of this and one other hard drive recovered from AHMAD's office reveal that
22 AHMAD also used the encryption program PGP Disk on these drives. PGP Disk is a program
23 that encrypts portions of a user's hard drive. When unencrypted, the computer recognizes the
24 PGP Disk as another drive. For example, on this hard drive there is a PGP Disk volume "PVR"
25 that when unencrypted and enabled used the drive letter "O:". One of the working directories on
26 this PGP Disk "O:" drive was named "AZ." Data from this hard drive reveals that certain files
27
28

1 that appear to relate to pages of the www.azzam.com web site, including "Join the Caravan.doc"
2 and "Defence of Muslim Lands.doc" were accessed from the "AZ" directory on the this
3 encrypted "O:" drive. The user ID for the Network Solutions Guardian program is "AZP"
4 (which appears to be an abbreviation for "Azzam publications"), which also is the name for an
5 active directory on this "O:" drive. Analysis of this hard drive reveals that the software
6 application Dreamweaver¹² had been installed and operated on it. This analysis also revealed
7 that one of the files last used by the program was a web page on the www.azzam.com site
8 dedicated to a correspondent killed in Tora Bora in December 2001. The path for this recently
9 opened file in Dreamweaver resolved to the PGP Disk volume PVR at
10 O:\Web\html\shaheedsuraqah.htm.
11

12
13 Additional evidence reveals that AHMAD accessed and used the Azzam Publications
14 administrative e-mail account azzamcom@yahoo.com. A September 3, 2001, e-mail recovered
15 from the azzamcom@yahoo.com administrative account reveals that Azzam Publications
16 purchased the software product vBulletin. A "Dr. Karim" used a \$298 IMO to purchase a copy
17 of vBulletin, and shipping/billing records for this product list Azzam and the BCM UHUD
18 address, discussed above. A copy of the vBulletin operating manual was located on Babar's hard
19 drive; that document's properties reference "Babar Ahmad" and "Imperial College" and show
20 that the owner's manual was created on September 6, 2001. Another e-mail communication from
21 azzamcom@yahoo.com to azzamcom@yahoo.com and lands@azzam.com, dated September 5,
22 2001, references the purchase of vBulletin for the Www.azzam.com website.
23
24

25 **Items Recovered From Ahmad in December, 2003**

26

27
28 ¹² Dreamweaver is an application used to design, develop, publish, and administer websites. It allows users to connect to servers and upload and manipulate web site files.

1 The government's evidence demonstrates that the purpose of the websites in question was
2 to support the goals of the Taliban and Chechen mujahideen, that AHMAD maintained and
3 operated the websites, and that AHMAD participated in the efforts to support terrorism as
4 outlined on the webpages. This is confirmed through evidence seized from locations known to
5 be used by AHMAD, including AHMAD's parents' house, which AHMAD used as a personal
6 residence as late as 2001, and AHMAD's locked office, Room 419 of the "Hut," at the Imperial
7 College Visualization Center.
8

9 A computer hard drive was recovered from a cabinet in AHMAD's office. It includes
10 numerous items indicating that the hard drive was used by AHMAD to maintain and operate
11 www.azzam.com and www.qoqaz.net. For example, the hard drive includes a database detailing
12 customer orders sold on www.azzam.com for jihad-related tapes, compact disks (CDs), and
13 videos. Also found was the deleted correspondence to an ISP written in the names of "Dr. D.
14 Karim and Ms. Lara Palsemo," the aliases used as administrative points contact for the
15 www.azzam.com and www.qoqaz.net sites. The hard drive also contained shortcut links
16 referencing the directories and files regarding the administration of the Azzam Publications
17 websites and documents discussing Azzam Publications operations.
18
19

20 The hard drive included a directory named "ABCDEFGH.JKL" that was deleted in
21 October 2001 shortly after the September 11, 2001 attacks on the United States. Investigators
22 advise that individuals who use computers to conduct criminal activity often deliberately
23 disguise files by creating and using unconventional directory and file names and file extensions,
24 such as this one. Recovered from this directory were over 500 deleted files that had been posted
25 as web pages on www.azzam.com and www.qoqaz.net, including postings referenced above.
26
27 For example, among these files is a document, named talibanhelp.htm, which contained
28

1 instructions on how to transport cash to the Taliban during 2000-2001.

2 Also recovered from the same hard drive directory was a folder labeled “anonftp,” which
3 refers to an anonymous file transfer protocol, an application which is used to download and
4 upload data files across the Internet to and from another computer system without user names or
5 passwords. This folder contained a deleted file labeled “.banner” that originally included the
6 text “Welcome to azzam.com.” This indicates that the file transfer protocol application was used
7 to upload the Azzam banner from AHMAD’s computer.
8

9 Computer forensic experts determined that the data reveal that the hard drive found in
10 AHMAD’s locked office was used to conduct Azzam Publications operations and to maintain the
11 parts of the www.azzam.com and www.qoqaz.net websites that instructed individuals on how to
12 aid the Taliban and Chechen mujahideen.
13

14 Several other pieces of data recovered from the same hard drive confirm that this hard
15 drive was used by AHMAD contemporaneously with his operation of the Azzam Publications
16 activities and websites. For example, the hard drive includes two November 21, 2001, letters
17 written by AHMAD to Barclays Bank concerning accounts that he maintained for his companies
18 Optica and Psychro. The hard drive also includes an August 2001 letter from AHMAD to the
19 UK ISP Netscalibur, asking the ISP to close his account with the ISP. This letter uses
20 AHMAD’s personal address at 42a Fountain Road.
21
22

23 A second hard drive recovered from AHMAD’s office contains a reference to a deleted
24 folder that had been entitled “Azzam Publications folder” and data references to Microsoft
25 Exchange Settings (an e-mail application) and to e-mail files for three non-public, Azzam
26 Publications administrative e-mail accounts. These non-public accounts – to which e-mail sent
27 to Azzam Publications website e-mail addresses were automatically forwarded – were used as a
28

1 correspondence filing system for Azzam Publications. They contained correspondence
2 concerning the shipment of equipment and funds to the Taliban and Chechen mujahideen, the
3 vetting of personnel seeking to supply the Chechen mujahideen, and the operation and
4 maintenance of the Azzam Publications websites. This second hard drive also contained files
5 relating to the operation of the www.azzam.com website, including images of the Azzam
6 Publication logo and jihad-related titles sold on the website. Finally, the hard drive contains
7 references to the directory "My documents\Babar." Collectively, these files indicate that this
8 second hard drive was also used by BABAR AHMAD to operate and maintain www.azzam.com,
9 and to access e-mail files for the Azzam Publications non-public administrative accounts.
10
11

12 Recovered from a floppy disk found in AHMAD's office were two deleted letters
13 referencing ISP payments from "Dr. Karim," one of which is referenced above. The floppy disk
14 also contained an encryption key, "AZPpublic.asc." According to the investigators working on
15 this case with computer forensics expertise, such keys are often used to encrypt data to evade
16 law enforcement and/or intelligence authorities. The location and nature of these documents
17 further confirm that AHMAD maintained and operated the Azzam sites using this floppy disk.
18

19 Also recovered from AHMAD's office was a floppy disk containing a document
20 entitled "Dec1ft.txt," dated December 1, 2001. Among other things, this document contains
21 instructions on how to obtain and send encrypted messages. It also discusses transporting night-
22 vision goggles into Pakistan, as follows:
23

24 Find out if there is any secure way to receive things like night-visions into Pak.
25 These things are available, but there is no safe way to send them to Pak at the
26 moment. We want to air freight them and need an address etc. Can you get that?

27 (This and other investigations have revealed that in late 2001 and early 2002, Pakistan was used
28 as an interim destination for smuggling material and individuals into Afghanistan to benefit the

1 Taliban.)

2 Appended to this December 1, 2001, message is a December 2, 2001, message
3 discussing plans and actions to be taken to support Taliban military efforts, including a website
4 to be maintained from Afghanistan. The investigation has revealed that in approximately mid-
5 2002, a mirror site for Azzam Publications, www.waaqiah.com, was in fact established and that
6 persons connecting to www.azzam.com and www.qoqaz.net were instantly redirected through
7 ZoneEdit to www.waaqiah.com. This new site contained many of the Azzam Publications
8 postings, including instructions on how to deal, and avoid cooperating with, British law
9 enforcement. This December 2, 2001, message uses coded references for Afghanistan
10 (“Aberdeen”) and the Taliban¹³ (the “students”).
11

12
13 The December 2, 2001, message also outlines several questions and answers about the
14 condition and needs of the Taliban and foreign mujahideen (“Arabs”) fighting United States
15 forces. Regarding the general state of hostilities, it provides details on the location of Taliban,
16 mujahideen forces, and their commanders, noting that the "students" have control of “9
17 provinces” and that “Students are planning a BIG operation after few days . . .” The message
18 further states:
19

20 Q- b) Routes in and out, how easy or difficult, who can go, what
21 about coming out, what are the risks, how risky, can someone pay
22 their way in or out?

23 A- For our bros, there are 100% routes, they can easily reach Shameem
24 Alam's people except blackies.

25 However, it is not advised for anyone to go on his own. Suppose, even
26 if he has entered Aberdeen, he would not be knowing whether he would
27 be welcomed by Student, or an American dog!

28 ¹³ I understand that “Taliban” is a Pashtun word that, roughly translated, refers to religious students.

1 If one os [sic] going with some expert (who know the ways), there wont be
2 any risks IA. However, this should be kept in mind that Aberdeen is
3 at war, so there must be some risks always (bombs, encounters with
4 the enemy).

5 * * *

6 Q- d) Do they need people, what sort of people do they need, do they
7 need doctors?

8 A- Yeah, they do need doctors, and our doctor can directly reach to
9 Shameem's people. Fighters, are always welcomed, though I haven't asked
10 them specifically for fighters.

11 Q- e) What equipment do they need? Is there a route for equipment
12 such as tents, torches, night vision? What is the route and what are
13 the risks on this route?

14 A- Night visions are VERY important, as Students and Arabs, both are
15 concentrating on the special covert operations.

16 * * *

17 Q- g) What about sending money, do they need it, how can it be sent?

18 A- Send it to Pakistan, and we will send it through Abdullaah (cousin
19 of Kashif bhai)

20 * * *

21 Q- j) What about routes from Iran, are there any? Is it safe?

22 A- Couldn't be able to ask, will tell you soon.

23 **Ahmad's Possession of Classified U.S. Naval Plans**

24 In December, 2003, British law enforcement officials also searched AHMAD's parent's
25 house, at 42a Fountain Road, Tooting, London, which AHMAD used as a personal residence at
26 the time. In one bedroom, officials found a significant amount of records, documents, files, and
27
28

1 data referring to or concerning AHMAD and his companies Optica and Psychro. A compact disk
2 recovered from the bedroom included AHMAD's resume, files concerning his involvement in
3 Optica and Psychro, a document concerning the existence of an account for Psychro at the ISP
4 "AllWebCo" (which, as referenced above, hosted www.azzam.com), a document describing a
5 design for the Azzam Publications logo, and a "to do" list for obtaining material for a video of
6 jihad. The electronic properties of the "to do" list indicate that it was authored and saved by
7 "BA," AHMAD's initials. Another CD recovered from the bedroom contained audio tracts in
8 Urdu, Arabic, and partial English praising Usama Bin Laden.
9

10
11 Also recovered from a shelf in this bedroom was a British Airways Executive Club card
12 in the name of "B AHMAD" and floppy disk that contained a password-protected document
13 reflecting a "last modified" date of April 12, 2001. This file discusses a U.S. Navy battle group,
14 each of its member ships (including the U.S.S. Benfold), the specifications and assignments of
15 each ship, the battle group's planned movements, and a drawing of the group's formation when it
16 was to pass through the Straits of Hormuz. The document specifically notes that the battle group
17 was tasked with enforcing sanctions against Iraq and conducting operations against Afghanistan
18 and Al Qaida. Navy officials have confirmed the battle group composition; the dates and
19 location of the movements of this battle group in the documents are accurate and were classified
20 at the time this document appears to have been written. The document states that the battle
21 group was scheduled to pass through the Straits on April 29, 2001, at night, under a
22 communications blackout, and explicitly describes the group's vulnerability to a terrorist attack:
23

24
25 *Weakness:*

26 They have nothing to stop a small craft with RPG etc, except their Seals' stinger
27 missiles.
28

1 *Deploy ops in Gulf 29 April - 04 October.*

2 *29th APRIL is more likely the day through the Straits. For the whole of March is*

3 *tax free - a moral booster. Many sailors do not like the Gulf.*

4 *Please destroy message.*

5
6 Also recovered from the same floppy disk were several deleted, password-protected
7 documents discussing the operation and content of www.azzam.com and www.qoqaz.net. This
8 information included September 2001 postings and web pages on www.azzam.com regarding
9 Taliban rulings justifying the destruction of Bamiyan Buddas, statues in Afghanistan which the
10 Taliban viewed as impermissible idol worship; and e-mails sent in July and August 2001 to and
11 from the website contact e-mail address, azzam@azzam.com, and one of the Azzam Publications
12 administrative e-mail addresses.
13

14 **Communication with a U.S. Naval Enlistee**

15 Azzam Publications maintained several non-public, administrative e-mail accounts
16 operated through the ISP Yahoo!, Inc. An examination of these accounts reveals that e-mail sent
17 to the contact e-mail accounts posted on an Azzam Publications website (e.g.
18 “azzam@azzam.com”) were forwarded to these administrative e-mail accounts. As described
19 above, recovered from electronic storage media in AHMAD’s locked office was a reference to a
20 deleted “Azzam Publications folder,” which included data indicating that AHMAD used and
21 maintained Azzam’s administrative e-mail accounts. Recovered from these non-public accounts
22 are e-mails showing that these accounts were used to provide and coordinate material support for
23 the Taliban and Chechen mujahideen and to collect information on the United States naval
24 activity and communicate with military personnel on the same ships.
25
26
27

28 Several of the e-mail exchanges between late 2000 through 2001 are with an individual

1 who described himself as an enlistee in the United States Navy on active duty in the middle east;
2 the e-mail header information indicates that the individual was communicating from the U.S.S.
3 Benfold at the time, one of the ships listed in the diagram described above found on a floppy disk
4 in AHMAD's room. One of the e-mails, sent in July 2001, describes the reaction of officers and
5 other enlistees to a briefing given on the ship. The e-mail indicates that the briefing was
6 provided to help Naval personnel protect against terrorist attacks similar to the March 2001
7 attack on the U.S.S. Cole. Voicing enmity towards the "American enemies" and strong support
8 for the "Mujahideen Feesabilillah," the e-mail praises those who attacked the U.S.S. Cole and
9 "the men who have brought honor this week to the ummah in the lands of Jihad Afghanistan,
10 Bosnia, Chechnya, etc." The response sent from the Azzam Publications e-mail account praised
11 the enlistee's comments and encouraged the enlistee to "Keep up with the Dawah and the
12 psychological warfare [sic]." I understand that the term "dawah" is an Islamic term that means
13 missionary work for Islam. The Azzam Publications reply e-mail was sent on July 19, 2001,
14 from the e-mail address azzampublications@yahoo.com to the enlistee and also to
15 qoqaz@azzam.com. Evidence recovered from AHMAD's possession demonstrate that AHMAD
16 accessed and used this e-mail account during the period the enlistee communicated with Azzam
17 Publications about his ship. A July 24, 2001, e-mail addressed to the same qoqaz@azzam.com
18 e-mail account was recovered from the same floppy disk that described the U.S. Navy
19 battlegroup, which had been recovered from AHMAD's effects at 42a Fountain Road, London.
20 E-mails to Azzam Publications that discussed sending gas masks and funds to the Taliban and
21 funds to Chechen mujahedin leaders, and requested assistance in reaching Chechen mujahedin
22 leader Basayev, were also sent to qoqaz@azzam.com and stored in the same Azzam Publications
23 administrative e-mail account.

1 In December, 2003, items were also recovered during a search of 38 Avoca Road,
2 London, England, a location associated with Ahmad. At the location, many surveillance
3 videotapes of U.S. soldiers in Afghanistan were found; given the footage, it must have been
4 taken after October, 2001. A number of computers, computer media, and documents also were
5 recovered. A number of e-mails to and from Ahmad. and his companies, Psychro and Optica,
6 were found to be stored on computer media. Some of the computer media reveal e-mail
7 communication surrounding the recruitment of individuals for jihad training. One e-mail, sent
8 on or about December 12, 1999, is apparently from an individual complaining about the manner
9 in which people are recruiting for jihad training; the writer specifically wants to know the
10 whereabouts of his or her son, asks that his or her concerns be forwarded to the one organizing
11 the jihad training, and requests the names and phone numbers of the recruitment coordinators.
12 On approximately December 14, 1999, an e-mail addressed to mrbee42@hotmail, a known of e-
13 mail address of AHMAD, states that the missing son referenced in earlier emails was located
14 after arriving safely in Karachi, Pakistan.
15
16
17
18

19 **Evidence Seized in August, 2004**

20 British authorities seized items, including computer materials, during searches of
21 AHMAD in August, 2004. Although review of both computer and hard copy materials seized at
22 that time continues, the following items were among the materials seized from 42a Fountain
23 Road in August, 2004.
24

25 **Pro-Jihad Literature and Videos**

26 Included in the materials seized during the August 2004 search at the 42a Fountain Road
27 location were: (1) "Defence of the Muslim Lands," a pro-jihad book by Sheik Abdullah Azzam,
28

1 the deceased mentor of Usama bin Laden and the namesake of the Azzam websites; (2) a
2 firearms training manual entitled “Master Handgunning: Secrets and Sure Fire Techniques to
3 Make You a Winner ”; and (3) a global positioning system manual entitled “GPS Made Easy:
4 Using Global Positioning Systems in the Outdoors.” Also seized was a pro-9/11 DVD/video
5 entitled “The Truth Behind the Most Devastating Terrorist Attack the World has Ever Seen.”
6 The back cover of the video contained a picture of the burning and smoldering twin towers
7 before their fall; and the front of the video contained a picture of Khalid Sheikh Mohammad, as
8 well as a warning reading: “Be all ears America. Suicide attacks shall continue -- al-Qaeda.”

11 **“Mantrapping” Manuals**

12 Also seized from 42a Fountain Road were two manuals, one entitled “Mantrapping” and
13 the second, a sequel by the same author, entitled “The Most Dangerous Game: Advanced
14 Mantrapping Techniques.” The two pieces essentially contain detailed instructions on certain
15 guerilla warfare tactics.

17 For example, the first manual contains detailed instructions on different types of booby
18 traps that can be set to ensnare humans in circumstances of guerilla warfare, such as pit traps and
19 spike traps. The first manual also contained a chapter on using similar low-tech tactics to
20 disable, immobilize or destroy tanks or other armored personnel carriers.

22 The second manual, “Advanced Mantrapping Techniques,” contained additional chapters
23 and illustrations on using similar tactics to neutralize or destroy such things as tanks, planes and
24 helicopters, including chapters entitled (1) the “Czechoslovakian Tank Breaker;” (2) “Snake
25 Traps ” -- which suggested that “a snake placed in the cockpit of an airplane can create instant
26 havoc; and (3) “Helicopter Traps,” which suggested, for example, that a helicopter may be
27 brought down through the use of telephone wire strung up in a landing area.
28

1 The manual also included a chapter specifically entitled the “Afghan Tank Fall,” which
2 was recommended “wherever reasonably heavy equipment is run down hilly roads and where the
3 trapper can get a bit of freefall height to work with.” The chapter stated that “the idea comes out
4 of Afghanistan, having been developed by the Mujahideen freedom fighters.” The manual
5 instructs that “The Afghan tank trap requires a trigger, but like many of the traps in this volume,
6 it can be quite rudimentary. In many cases, something no more sophisticated than weakened
7 support beams will do Without support, the machine will -- if the trapper calculated
8 correctly -- crush the remaining support, allowing the entire road to give way Try to rig the
9 outfit so the target vehicle rolls over and does not slide Under ideal circumstances, an
10 enemy tank or APC [armored personnel carrier] might be dumped into a river or lake The
11 Tank-Fall trap is dynamite and can boost the morale of a small band of freedom fighters
12 immeasurably.”

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14
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16
17 The final pages of “Advanced Mantrapping Techniques” contain a chapter on similar
18 techniques one can use in populated urban areas. The chapter begins:

19 I have included urban mantraps here in response to the mail I have received
20 regarding my first book and as a result of the practical realities one is likely to face
21 in the world today. *Though most of the world population live in rural areas, a lot*
22 *of readers are asking about traps they can use in the cities. That's where they think*
23 *they will operate and where they feel the most comfortable.*

24 My experience with urban mantraps lead[s] me to believe that they can be effective
25 but usually not in a lethal sense. The trapee tends to get hurt, not killed; annoyed;
26 not severely deterred.

27 *This is, of course, not always the case* Quite a number of years ago, I worked
28 in Turkey with a fellow . . . who claimed to be a hell of an urban trapper [He]
claimed he waited two weeks one time for a neighborhood deli owner to walk down
a set of stairs from an overpass onto an elevated subway platform in Chicago. At
just the right moment, [he] threw several packages . . . onto the subway stairs. The
deli owner then slipped and fell down the last few steps and fell over onto the train
tracks, where he was crushed by an oncoming train.

1
2 The manual goes on to explain, with pictures and diagrams, that injuring people “in the
3 city is easier than it is in the country because city people are very much creatures of habit,
4 tending to trust mechanical situations implicitly. Humans travel the same route day after day,
5 stand in the same place time after time while waiting for trains, and sit or stand in the same place
6 in the same train car.” A caption underneath a photo of a crowded train platform similarly reads:
7 “Being creatures of habit, humans tend to stand in the same spot on a train platform, day after
8 day, thereby making placement of a trap rather easy.” The manual goes on to state that:

9
10 Cities are dangerous places. People live and work in close proximity to a lot of
11 potentially harmful things. Yet they place an incredible amount of trust in the stairs,
12 railings, gratings, barriers, walks, and ladders they use every day. Trucks and cars
13 whiz by within one meter of a person -- at killing speeds -- and yet no one says a
14 word.

15 A diagram of a train platform contained a caption underneath reading: “Railings on a
16 train platform can be weakened by almost cutting through the supports with a hacksaw. Your
17 victim can then . . . fall onto the tracks . . .” The manual concludes with the following
18 statement:

19 The idea, when setting an urban mantrap, is to look for a situation where the habits
20 of the intended victim take him into a situation that adds danger as a result of height
21 or mechanical contrivance. Weakening a railing so the victim will fall off a platform
22 into the path of an oncoming train is the model for the type of situation that will often
23 work in cities. It isn’t hard to come up with a lot of good ideas, though, that will
24 combine these two factors. Whenever there is a ladder that an enemy uses, or pier
25 he will walk out onto, or solitary stairs he is likely to climb, there is potential for
26 mischief. It is then up to the alert mantrapper to go to work with hacksaw and knife,
27 changing the environment so that that which was always taken for granted no longer
28 functions as the victim assumes it will. The situation can be made lethal by adding
spikes or spears for the victim to fall on.

26 **The Empire State Building Brochure**

27 Also recovered from AHMAD's residence during the search was what appears to be a
28

1 several page tourist brochure of the Empire State Building. Although the brochure appears to be
2 from the late 1960s or early 1970s, it nevertheless contains: (1) details about the number of
3 workers and visitors to the building each day; (2) details on the height, volume and construction
4 of the building, including amounts of steel, number of stairs, number of elevators, number of
5 windows, and location of the ventilation system; and (3) information on public observatory
6 access and hours of operation. The four page brochure also includes full pictures of the building
7 in both day and night; as well as four aerial shots of the building from the north, east, south and
8 west. The brochure also contains an aerial street map of New York City, with the Empire State
9 Building at the center, identifying its location at the intersection of W 34th Street and 5th
10 Avenue.
11
12

13 Also recovered were several documents sympathetic to Islamic extremism and the
14 advocating violent jihad against “enemies” of Islam.
15

16 **Ahmad’s Purchase of Camouflage Suits**

17 In 1998, AHMAD purchased approximately 100 cold weather camouflage combat suits
18 from Rothco, a company on Long Island, New York. AHMAD paid approximately \$8,300.00.
19 According to witnesses, AHMAD arranged payment from Turkey via wire transfer for the suits
20 and had them delivered to himself in the United Kingdom. In 1998, AHMAD also traveled to
21 the United States. Upon his return in the United Kingdom, AHMAD possessed on his person a
22 ballistic, or “bullet proof,” vest and a GPS system.
23

24 **Correspondence Seeking Large Quantities of Fertilizer and Chemicals and the** 25 **Specific Reference to Mohammad Naeem Noor Khan**

26 A search of the bedroom at 42a Fountain Road in December, 2003, uncovered
27 approximately 25 to 30 pages of correspondence between AHMAD and various export
28

1 companies from mid-1997 through early 1998, in which AHMAD sought to purchase up to 5,000
2 tons of sulfur / phosphate based fertilizers and large amounts of several chemicals, on behalf of a
3 third party. A purchase order from one of the companies that Babar contacted reflects a
4 shipment of “miscellaneous items” on or about June 12, 1997, to a purported company in
5 Pakistan. A July 1, 1997, letter to AHMAD from that company enclosed a bank check for the
6 exact same amount of the purchase. Agents continue to investigate the significance of this.
7

8 Also included in the correspondence seeking fertilizer and chemicals was a letter to
9 AHMAD dated June 11, 1997 (one day before the date of the purchase order), from a different
10 import-export company in Pakistan, the “Moon Star Fabrica (PVT) Ltd.” The letter indicates
11 that a person in Pakistan instructed the company to contact AHMAD in connection with the
12 exportation of “mangoes.”
13

14 **PROCEDURAL HISTORY OF THE CASE**

15 Under the federal law of the United States, a criminal prosecution is commenced when a
16 criminal complaint is issued by a United States Magistrate Judge or District Judge. A criminal
17 complaint is a document which is supported by an Affidavit of a federal law enforcement officer.
18 In this case, a criminal complaint was signed by United States Magistrate Judge William I.
19 Garfinkel in Bridgeport, Connecticut, on July 28, 2004. The complaint was supported by an
20 Affidavit of Special Agent Craig Bowling of the United States Department of Homeland
21 Security, Bureau of Immigration & Customs Enforcement. The criminal complaint charges
22 AHMAD with the following offenses:
23

24 – providing and conspiring to provide material support to terrorists,
25 offenses contrary to Title 18, U.S. Code, § 2339A, carrying a maximum possible penalty of life
26 imprisonment;
27
28

1 United States at the time the offense was committed, (2) was the duly enacted law of the United
2 States at the time the complaint was filed, and (3) is currently in effect. Each offense is a felony
3 punishable under U.S. law by more than one year of imprisonment. Copies of the pertinent
4 sections of the above-referenced statutes are attached as Exhibit 3.
5

6 **II. The Substantive Law Relating To Each Charge.**

7 **A. § 2339A Charges: Providing Material Support to Terrorists**

8 Under United States law, a conspiracy is simply an agreement to commit one or more
9 criminal offenses. The agreement on which the conspiracy is based need not be written or even
10 verbal. It may be simply a tacit understanding by two or more persons to do something illegal.
11 The conspirators enter into a partnership for a criminal purpose in which each member or
12 participant becomes a partner or agent of every other member. A person may become a member
13 of a conspiracy without full knowledge of all the details of the unlawful scheme or the identities
14 of all the other members of the conspiracy. If a person has an understanding of the unlawful
15 nature of a plan and knowingly and willfully agrees to it, joining in the plan, that is enough to
16 convict him for conspiracy even though he did not participate before and may play only a minor
17 part. In fact, a conspirator can be held criminally responsible for all reasonably foreseeable
18 actions undertaken by other conspirators in furtherance of the criminal partnership. Moreover,
19 because of this partnership, statements made by a conspirator in the course of and while he is a
20 member of the criminal conspiracy are admissible in evidence not only against that conspirator,
21 but also against all other members of the conspiracy. This is so because, as stated earlier, a
22 conspirator acts as an agent or representative of the other conspirators when he is acting in
23 furtherance of their illegal scheme. Therefore, statements of conspirators made in furtherance of
24 the conspiracy may be deemed to be the statements of all conspirators.
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1 Under U.S. law, the crime of conspiracy is an independent offense, separate and distinct
2 from the commission of any specific "substantive crimes." Consequently, a conspirator can be
3 found guilty of a crime of conspiracy to commit an offense even where the substantive crime that
4 was the purpose of the conspiracy is not committed. The Congress of the United States has
5 deemed it appropriate to make conspiracy, standing alone, a separate crime, even if the
6 conspiracy is not successful, because collective criminal planning poses a greater threat to the
7 public safety and welfare than individual conduct and increases the likelihood of success of a
8 particular criminal venture.
9

10
11 Section 2339A prohibits conspiring or attempting to provide material support to
12 terrorists. In order for a defendant to be convicted of conspiring to provide material support to
13 terrorists in violation of 18 U.S.C. § 2339A, the following elements must be proved beyond a
14 reasonable doubt:
15

16 1. At some time within the dates set forth in the Indictment, there existed an
17 unlawful agreement between two or more persons to commit the crime of providing material
18 support to terrorists; and

19 2. During the existence of that agreement, the defendant knowingly, willfully and
20 voluntarily became a participant in, or a member of, the conspiracy, and did so with the intention
21 of furthering an objective of the conspiracy.
22

23 The term "provides" is not limited to the actual physical transfer of items. "Material
24 support" includes currency, monetary instruments, financial securities, financial services,
25 lodging, training, expert advice or assistance, safehouses, false documentation or identification,
26 communications equipment, facilities, weapons, lethal substances, explosives, personnel,
27 transportation, and other physical assets.
28

1 In order for a defendant to be convicted of a substantive offense in violation of 18 U.S.C.
2 §2339A, the following elements must be proved beyond a reasonable doubt:

- 3 1. That the defendant provided, or concealed or disguised the nature,
4 location, source or ownership of;
- 5 2. Material support or resources;
- 6 3. Knowing or intending that they were to be used in preparation for, or in
7 carrying out, a violation of specific violent crimes (here, crimes in violation of 18 U.S.C. § 956,
8 which prohibits a conspiracy to kill persons in a foreign country), or knowing or intending that
9 they were to be used in preparation for, or in carrying out, the concealment or escape from the
10 commission of any such violation.

13 In this case, the evidence demonstrates that AHMAD conspired to provide, attempted to
14 provide, and did provide material support to terrorists in violation of Section 2339A, through:
15 his personal participation in the operation and administration of the family of Azzam websites;
16 the possession of the U.S. Naval document; his solicitation and receipt of money for the Taliban
17 and Chechen Mujahideen; his personal purchase of supplies, namely camouflage suits from a
18 U.S. company; his efforts to obtain gas masks and night vision goggles for delivery to the
19 Taliban through the websites; and his participation in vetting persons to the Chechen Mujahideen
20 leaders.
21

23 **B. § 956: Conspiracy to Kill Persons in a Foreign Country**

24 Title 18, United States Code, Section 956 criminalizes conspiracies within the
25 jurisdiction of the United States to kill, kidnap, maim, or injure persons, or damage property
26 outside the United States. To obtain a conviction for conspiracy to kill in a foreign country, the
27 government must prove that:
28

- 1 1. The defendant agreed with at least one person to commit murder;
- 2 2. The defendant willfully joined the agreement with the intent to further its
- 3 purpose;
- 4
- 5 3. During the existence of the conspiracy, one of the conspirators committed
- 6 at least one overt act in furtherance of the object of the conspiracy; and
- 7
- 8 4. At least one of the conspirators was within the jurisdiction of the United
- 9 States when the agreement was made.

10 In this case, the evidence demonstrates that AHMAD engaged in his efforts with an
11 understanding that it was in support of the murder of the enemies of the Taliban and Chechen
12 Mujahideen. The purpose of his websites was to provide support to the violent activities of the
13 Taliban and Chechen Mujahideen who were involved in violent activities against their enemies.
14 AHMAD's participation in this agreement, and his understanding of the goals of these terrorist
15 organizations, is confirmed through the evidence obtained from AHMAD's residence and work
16 space, and the evidence connecting him to the websites. Further, AHMAD possessed classified
17 U.S. Naval information and a document which discussed the vulnerabilities of the Naval battle
18 group to an attack. According to the U.S. Navy, the information contained in the document was
19 classified, and only certain U.S. personnel with clearance could have had access to the
20 information. Thus, a U.S. person, or one within the jurisdiction of the United States, possessed
21 the information and caused its delivery. AHMAD could not have obtained this information on
22 his own as he has never been employed or associated with the U.S. Navy.

23 **C. § 1956(h) Charge: Money Laundering Conspiracy**

24 Babar AHMAD is charged with engaging in various money laundering offenses in
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1 violation of U.S. law. The Money Laundering Control Act of 1986 made it a crime against the
2 United States to conduct certain types of financial transactions involving the proceeds of another
3 crime. In general, there are two types of financial transactions that may violate the Money
4 Laundering Control Act: (1) transactions that are intended to promote the carrying on of a
5 specified unlawful activity; and (2) transactions that are designed in whole or in part to conceal
6 or disguise the nature, the location, the source, the ownership, or the control of the proceeds of a
7 specified unlawful activity.
8

9 Section 1956 makes it a federal crime to transport, transmit, or transfer, or to attempt to
10 transport, transmit, or transfer a monetary instrument or funds from a place in the United States
11 to or through a place outside the United States with the intent to promote the carrying on of
12 specific unlawful activity. Specific unlawful activities include offenses in violation of Section
13 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country)
14 and section 2339A (relating to providing material support to terrorists). Section 1956(h)
15 criminalizes those who conspire to commit an offense defined in Section 1956.
16
17

18 In order to establish that a defendant violated §1956(h), the government must prove
19 beyond a reasonable doubt that:

- 20 1. The defendant agreed with at least one other person to transport, transmit,
21 or transfer a monetary instrument or funds;
- 22 2. From a place in the United States to or through a place outside the United
23 States; or to a place in the United States from or through a place outside the United States;
- 24 3. Knowing that the property involved was intended to promote the carrying
25 on of specified unlawful activity; and
26
27

1 4. During the existence of the agreement, the defendant knowingly, willfully
2 and voluntarily became a participant in, or a member of, the agreement, and did so with the
3 intention of furthering an objective of the conspiracy.
4

5 First, AHMAD participated in a conspiracy to transfer funds *from* the United States to a
6 place outside the United States to promote unlawful activity. AHMAD and Azzam Publications
7 posted on the websites overt appeals for donations and explicit instructions regarding how to
8 raise and transmit funds to, and for the benefit of, the Taliban and the Chechen Mujahideen. In
9 addition, AHMAD used and operated certain of the e-mail accounts associated with the Azzam
10 websites to provide further direction and to coordinate the transfer of such funds. AHMAD
11 operated the websites and related e-mail accounts with assistance from individuals in the United
12 States and, through the Azzam e-mail accounts, assisted individuals in the United States who
13 responded to the websites' solicitations for financial support in transferring funds from the
14 United States to, for example, Pakistan for the benefit of the Taliban and the Chechen
15 mujahideen. In that regard, AHMAD agreed with individuals to transport, transmit, or transfer
16 funds from within the United States to a place outside the United States knowing that the funds
17 were intended to promote the military and violent activities of these and associated terrorist
18 groups.
19

20
21 Second, AHMAD also conspired to transfer funds *to* the United States from or through a
22 place outside the United States, with the intent to carry on specified unlawful activity. Among
23 other things, AHMAD agreed with other individuals to transport, transmit, or transfer funds from
24 the United Kingdom to the United States, by directing individuals to pay for and maintain the
25 Azzam sites and the related e-mail accounts through the use of international money orders. As
26
27
28

1 set forth above, the sites and related e-mail accounts were utilized to provide material support to
2 the Taliban and Chechen mujahideen.

3 **D. Title 50 and Related Charges: Conspiracy to Support the Taliban**

4 Under the International Emergency Economic Powers Act (“IEEPA”), the President is
5 granted the authority to deal with any unusual and extraordinary threat to the national security,
6 foreign policy, or economy of the United States, if the President declares a national emergency
7 with respect to such threat. On July 4, 1999, President Bill Clinton declared a national
8 emergency to deal with the threat posed by Al Qaeda and the Taliban. Specifically, the President
9 found that:
10
11

12 [T]he actions and policies of the Taliban in Afghanistan, in allowing territory under
13 its control in Afghanistan to be used as a safe haven and base of operations for
14 Usama bin Ladin and the Al-Qaida organization who have committed and threaten
15 to continue to commit acts of violence against the United States and its nationals,
16 constitute an unusual and extraordinary threat to the national security and foreign
17 policy of the United States.
18

19 In Executive Order 13129, President Clinton prohibited, among other things, United States
20 persons from making or receiving any contribution of funds, goods, or services to or for the
21 benefit of the Taliban. The Executive Order also blocked all property and interests in property
22 of the Taliban and prohibited trade-related transactions by United States persons involving the
23 territory of Afghanistan controlled by the Taliban. Further, the Executive Order prohibited
24 United States persons from engaging in transactions for the benefit of the Taliban and prohibited
25 any person from engaging in such transactions from the United States, including sending money
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27
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1 and military material or equipment to the Taliban.

2 On June 30, 2000, the national emergency with respect to the Taliban was continued and
3 Executive Order 13129 remained in force. One year later, in 2001, the national emergency was
4 again continued, pursuant to a finding by President George W. Bush that “[t]he Taliban
5 continues to allow territory under its control in Afghanistan to be used as a safe haven and base
6 of operations for Usama bin Laden and the Al-Qaida organization who have committed and
7 threaten to continue to commit acts of violence against the United States and its nationals.” As a
8 result, Executive Order 13129 remains in force and regulations resulting from that Executive
9 Order are set forth at 31 C.F.R. 545, *et seq.*
10
11

12 In 2003, the U.S. Department of State also designated certain persons and entities
13 associated with the Chechen mujahideen as blocked, that is, entities for which it is unlawful to
14 provide support, transact business, send money or materials other than medicinal items. By way
15 of background, Ibn Khattab, until his death in March 2002, was the mujahideen leader of the
16 "Islamic International Peace Keeping Brigade" ("IIPB"), a group of mujahideen that has
17 employed violence and military action to kill, injure and maim people and to damage and destroy
18 property in an effort to promote the political goals of its members, which include establishing the
19 independence of Chechnya from Russia. Khattab was born in Saudi Arabia, was linked to Al
20 Qaeda and purportedly received training by Usama bin Laden in Afghanistan. According to the
21 State Department, the IIPB purportedly receives funding from Al Qaeda related financiers.
22
23

24 Shamil Basayev has also been a leader of Chechen mujahideen and was a leader of what
25 is known as the "Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs"
26 ("RSRSBCM"), a group of mujahideen that has employed violence and military action to kill,
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28

1 injure and maim people and to damage and destroy property in an effort to promote the political
2 goals of its members, which include establishing the independence of Chechnya from Russia.

3 Basayev, as the leader of the RSRSCM, took part in the planning and execution of a number of
4 terrorist acts, including:
5

- 6 • The seizing of the Dubrovka Theater in Moscow in October 2002 that
7 resulted in the deaths of 129 people, including one U.S. citizen. (This action
8 involved both the RSRSCM and the IIPB).
- 9 • The December 27, 2002, destruction of the Chechen administration complex
10 in Grozny by Chechen suicide bombers, which resulted in the deaths of 78
11 people and wounded 150 others. Basayev claimed that he personally pushed
12 the button that detonated the explosive device involved.
- 13 • The May 12, 2003, truck bombing of a government compound in the
14 Chechen town of Znamenskoye, which resulted in the deaths of 60 people,
15 including 7 children, and the wounding of an additional 200 people. The
16 next day, in Iliskhan-Yurt, a suicide bomber blew herself up, killing 18
17 others and wounding 43. Basayev publicly claimed to have planned these
18 suicide attacks.
19
20
21

22 On February 28, 2003, pursuant to Section 1(b) of Executive Order 13224, issued under
23 the IEEPA, 50 U.S.C. §1701, et seq., the United States designated the RSRSCM as being
24 blocked because it was determined to have committed, or to pose a significant risk of
25 committing, acts of terrorism that threaten the security of U.S. nationals or the national security,
26 foreign policy, or economy of the United States. On August 8, 2003, pursuant to 1(b) of
27

1 Executive Order 13224, the United States designated Shamil Basayev as a blocked foreign
2 person determined to have committed, or who poses a significant risk of committing, acts of
3 terror that threaten the security of U.S. nationals or the national security, foreign policy, or
4 economy of the United States. As a result, the property and interests in the property of the
5 RSRSCM and Basayev have been blocked and any transaction or dealing by United States
6 persons or within the United States in such property or interests is blocked, including providing
7 funds, goods, or services to or for the benefit of the RSRSCM and Basayev. Prohibitions
8 resulting from Executive Order 13224 are set forth at 31 C.F.R. 594, *et seq.*

9 Willful violations of these regulations are federal crimes under 50 U.S.C. §1705. Section
10 1705(b) makes it unlawful to willfully violate or to attempt to violate any executive order or
11 regulation issued pursuant to IEEPA. This conduct must be proved beyond a reasonable doubt.

12 In this case, AHMAD unlawfully conspired to provide support to the Chechen
13 Mujahideen, Taliban, and individuals Basayev and Khattab, through the solicitations on the web
14 sites for gas masks, night vision goggles, personnel, money, and other equipment, as well as
15 through specific e-mail communications in which it was offered that individuals who were
16 interested in fighting with the Mujahideen would be introduced, and their identities were in fact
17 presented to, Mujahideen leader Basayev. Further, AHMAD solicited, communicated with, and
18 collected funds from an individual who sought to directly aid Basayev and Khattab and the
19 brothers involved in jihad in Chechnya through monetary contributions. In this regard, as noted
20 above, e-mail correspondence from individuals in the United States, including one in
21 Connecticut, to Azzam were seized in which this individual responded to the website offering to
22 donate money directly to support Basayev and Khattab. Further, AHMAD engaged in efforts to
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1 introduce individuals to Basayev who were interested in fighting with the Chechen Mujahideen,
2 and support their cause. AHMAD also solicited support for the Mujahideen directly on the
3 Azzam Publications websites, and e-mails confirm such support was offered and attempted. This
4 conduct is demonstrative of agreeing to provide unlawful support to prohibited individuals and
5 entities under the statute.
6

7
8
9 **E. § 373 Charge: Solicitation to Commit a Crime of Physical Violence & Aiding**
10 **and Abetting**
11

12 The Criminal Complaint charges AHMAD with soliciting the enumerated crime of
13 violence alleged, namely the effort to kill foreign nationals abroad. AHMAD may be found
14 guilty of soliciting an offense if it is found that he, with the intent that another person engage in
15 conduct constituting a felony that involves violence against the person or property of another,
16 solicites, commands or induces or otherwise endeavors to persuade the other person to engage
17 in such conduct.
18

19 Here, AHMAD, through the operation and administration of the web sites and related
20 activities, solicited and induced individuals to commit violent activities with and on behalf of the
21 Taliban and Chechen Mujahideen in Afghanistan and Chechnya.
22

23 The Criminal Complaint also charges that AHMAD aided, abetted, and caused the
24 commission of the listed offenses in violation of 18 U.S.C. § 2. He may be found guilty of each
25 count even if he did not personally commit the act or acts constituting the crime but aided and
26 abetted in its commission. To prove AHMAD guilty of aiding and abetting, the government
27

1 must prove beyond a reasonable doubt that: (1) the charged crime was committed by someone;
2 (2) AHMAD knowingly and intentionally aided, counseled, commanded, induced or procured
3 that person to commit the charged crime; and (3) AHMAD engaged in the conduct described the
4 second element before the crime was completed. To establish aiding and abetting liability, the
5 United States must prove that the defendant acted with the knowledge and intention of helping
6 that person commit the charged crime. The government is not required to prove precisely which
7 defendant actually committed the crime and which defendant aided and abetted that crime.
8

9 AHMAD may be found guilty of aiding and abetting the provision of material support to
10 terrorists by: soliciting money, equipment, supplies and individuals for violent jihad; providing
11 camouflage suits to the Taliban and Chechen Mujahideen; obtaining fertilizer for explosive
12 devices; introducing individuals to the leaders of the Chechen Mujahideen to fight along side the
13 Mujahideen; providing classified U.S. Naval battle plans regarding the vulnerabilities of U.S.
14 Naval ships to attack; and providing a conduit for the transfer of money to the Taliban and
15 Chechen Mujahideen to support their violent activities.
16
17

18 **F. § 371 Conspiracy**

19 Under U.S. law, conspiracy may be a distinct offense under section 371, separate and
20 apart from a conspiracy offense which may be included in Sections 2339A and 1956(h).
21 Conspiracy under section 371 is simply an agreement to commit one or more criminal offenses,
22 in this instance to provide material support to terrorists or to engage in money laundering as
23 previously defined. The elements of a 371 Conspiracy are the same as described above, with one
24 additional element that a co-conspirator perform an overt act in furtherance of the conspiracy.
25 An overt act is simply any act, which may be a lawful or unlawful act, which furthers the goals
26
27

1 or objectives of the conspiracy. An overt act can be performed by any member of the
2 conspiracy, and the defendant need not have been the one to perform it. Further, if a defendant
3 caused another to perform an overt act, the overt act requirement is satisfied. (For example, in
4 this case an example would be the solicitations on the web sites which caused donors to
5 communicate by e-mail with Azzam, or send money and other aid, or offer to send night vision
6 goggles, to meet the Chechen military commander, etc.).

7
8 As previously discussed, the conspiratorial agreement on which the conspiracy is based
9 need not be written or even verbal. It may be simply a tacit understanding by two or more
10 persons to do something illegal. The conspirators enter into a partnership for a criminal purpose
11 in which each member or participant becomes a partner or agent of every other member. A
12 person may become a member of a conspiracy without full knowledge of all the details of the
13 unlawful scheme or the identities of all the other members of the conspiracy. If a person has an
14 understanding of the unlawful nature of a plan and knowingly and willfully agrees to it, joining
15 in the plan, that is enough to convict him for conspiracy even though he did not participate
16 before and may play only a minor part. In fact, a conspirator can be held criminally responsible
17 for all reasonably foreseeable actions undertaken by other conspirators in furtherance of the
18 criminal partnership. Moreover, because of this partnership, statements made by a conspirator in
19 the course of and while he is a member of the criminal conspiracy are admissible in evidence not
20 only against that conspirator, but also against all other members of the conspiracy. This is so
21 because, as stated earlier, a conspirator acts as an agent or representative of the other
22 conspirators when he is acting in furtherance of their illegal scheme. Therefore, statements of
23 conspirators made in furtherance of the conspiracy may be deemed to be the statements of all
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1 conspirators.¹⁴

2 The same activity which forms the basis of the conspiracy offenses under Section
3 2339A and 1956(h), as described above, gives rise to a separate conspiracy offense under
4 Section 371. In connection with the 371 conspiracy, a myriad of overt acts exist in furtherance
5 of the conspiracy, including, for example, AHMAD's sending payment for the operation of the
6 websites, letters, instructions and payment to the Internet Service Providers, the transmission of
7 e-mail communications, either from the Azzam websites or received by them, the posting of
8 content on the website, and the sending of money to the Taliban. Only one act needs to be
9 alleged and proved.
10

11 **III. Statute of Limitations.**

12 The statute of limitations applicable to the all the offenses charged is Title 18, United
13 States Code, Section 3282, which allows prosecution to commence within five years after the
14 offense is committed. AHMAD's offenses continued to August 2004, and the Complaint
15 specifically includes conduct until 2003. Therefore, the charges were filed within the prescribed
16 time. A copy of the statute of limitations is attached hereto as Exhibit 4.
17

18 **IV. Description of the Fugitive.**

19 Babar AHMAD, also known as Babar Ahmed, is a citizen of the United Kingdom who
20 was born on May 4, 1974, in London, England. He is described as a middle eastern male,
21
22

23
24 ¹⁴ Under U.S. law, the crime of conspiracy is an independent offense, separate and distinct from
25 the commission of any specific "substantive crimes." Consequently, a conspirator can be found
26 guilty of a crime of conspiracy to commit an offense even where the substantive crime that was the
27 purpose of the conspiracy is not committed. The Congress of the United States has deemed it
28 appropriate to make conspiracy, standing alone, a separate crime, even if the conspiracy is not
successful, because collective criminal planning poses a greater threat to the public safety and
welfare than individual conduct and increases the likelihood of success of a particular criminal
venture.

1 approximately 5' 11" tall, with a thin build, black or dark brown hair, and brown eyes. He is
2 known to carry U.K. passport no. 093039280. His photograph and fingerprints, identified by
3 investigators from the Metropolitan Police Service, are attached hereto as Exhibit 5.

4 Investigators from the Metropolitan Police Service identify AHMAD as the individual who
5 resided at 42a and 94 Fountain Road, Tooting, England and worked at Imperial College, London,
6 England. Metropolitan Police also identify Ahmad as the individual that they arrested at 94
7 Fountain Road in December, 2003.
8

9 10 11 CONCLUSION

12 I have thoroughly reviewed the government's evidence against Babar AHMAD and attest
13 that this evidence indicates that Babar AHMAD is guilty of the offenses charged in the Criminal
14 Complaint. For the reasons discussed above, the United States respectfully requests the extradition
15 of Babar AHMAD – a fugitive from justice who is unlawfully at large – to the United States so that
16 he may face trial on the charges set forth in the Criminal Complaint.
17

18 I certify that all of the documents attached hereto are true, correct, and authenticated copies
19 of documents that are admissible in U.S. court proceedings. I attach to this affidavit the following
20 documents in support of the request for extradition:
21

- 22 a. Exhibit 1 is a certified copy of the Criminal Complaint and supporting affidavit
23 against AHMAD, and arrest warrant for AHMAD.
- 24 b. Exhibit 2 is a photograph of AHMAD.
- 25 c. Exhibit 3 is a copy of the pertinent sections of the following statutes:

26 Title 18, United States Code, Section 2;
27

1 Title 18, United States Code, Section 371;

2 Title 18, United States Code, Section 373;

3 Title 18, United States Code, Section 956;

4 Title 18, United States Code, Section 1956;

5 Title 18, United States Code, Section 2339A;

6 Title 50, United States Code, Section 1701;

7 Title 50, United States Code, Section 1702;

8 Title 50, United States Code, Section 1705;

9 Executive Order 13129; and

10 Title 31, Code of Federal Regulations, Parts 545 et seq.

11 d. Exhibit 4 is a copy of Title 18, United States Code, Section 3282

12
13
14 KEVIN J. O'CONNOR
15 UNITED STATES ATTORNEY

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17
18 _____
19 ROBERT M. APPLETON
20 SUPERVISORY ASSISTANT UNITED STATES ATTORNEY

21 Signed and sworn to before me this ____th day of September, 2004, at Bridgeport,
22 Connecticut USA.

23
24 _____
25 WILLIAM I. GARFINKEL
26 UNITED STATES MAGISTRATE JUDGE