



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MOHAMMED JUNAID BABAR,

Defendant.

SEALED
WAIVER OF INDICTMENT

04 Cr.

04 CRIM. 28

MOHAMMED JUNAID BABAR, the above-named defendant, who is accused of violating Title 18, United States Code, Sections 2339A, 2339B and 2, as well as Title 50, United States Code, Section 1705(b), being advised of the nature of the charge and of his rights, hereby waives, in open Court, prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

Mohammed D. Babar

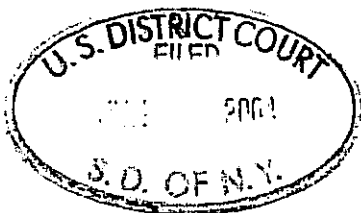
Defendant
Mohammed Junaid Babar

Eric Meyer

Witness

Daniel J. Ollen

Daniel J. Ollen Esq.
Counsel for Defendant

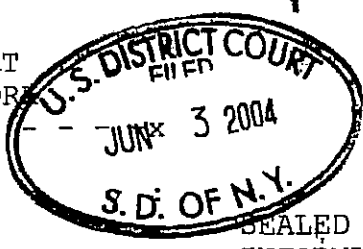


Date: New York, New York
June 3, 2004

Judge Mantoro

RBB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

-v-

SEALED
INFORMATION

MOHAMMED JUNAID BABAR,

04 Cr.

Defendant.

04 CRIM

528

COUNT ONE

Judge Marrero

Conspiracy To Provide Material Support Or
Resources To A Foreign Terrorist Organization

The United States Attorney charges:

1. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including currency and other physical assets, to a foreign terrorist organization, to wit, al Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003.

2. It was a part and an object of the conspiracy that MOHAMMED JUNAID BABAR, a United States citizen, agreed with others to assist al Qaeda by providing military gear to co-conspirators not named as defendants herein who transported the gear to al Qaeda associates in South Waziristan, Pakistan, and by himself traveling to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there, to be used to fight against U.S. forces in Afghanistan.

(Title 18, United States Code, Sections 2339B and 3238.)

COUNT TWO

Providing And Attempting To Provide Material Support Or Resources To A Foreign Terrorist Organization

The United States Attorney further charges:

3. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, who was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did provide and attempt to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including currency and other physical assets, to a foreign terrorist organization, to wit, al Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on

or about October 5, 2001, and October 2, 2003, in that MOHAMMED JUNAID BABAR, a United States citizen, provided military gear to others who transported it to al Qaeda associates in South Waziristan, Pakistan, and himself traveled to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there, to be used to fight against U.S. forces in Afghanistan.

(Title 18, United States Code, Sections 2339B, 2, and 3238.)

COUNT THREE

Conspiracy To Provide Material Support
Or Resources To Terrorist Activity

The United States Attorney further charges:

4. From at least in or about December 2002, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including lodging, training, weapons, lethal substances, explosives, transportation and other physical assets, and concealed and disguised the nature, location, source and ownership of material support and resources, knowing and intending that such material

support and resources were to be used in preparation for, and in carrying out, a violation of Section 2332a(b) of Title 18, United States Code, and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation.

5. It was a part and an object of the conspiracy that MOHAMMED JUNAID BABAR, a United States citizen, agreed with others to organize a jihad training camp where training in military skills, explosives, and weapons was given, agreed to provide lodging and to arrange transportation for others to and from the training camp, and agreed to purchase and attempt to purchase ammonium nitrate and aluminum powder for destructive devices and bombs to be used in attacks in the United Kingdom.

(Title 18, United States Code, Sections 2339A and 3238.)

COUNT FOUR

Providing Material Support Or Resources To Terrorist Activity

The United States Attorney further charges:

6. From at least in or about December 2002, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, who was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did provide and attempt to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including lodging, training, weapons, lethal

substances, explosives, transportation and other physical assets, and concealed and disguised the nature, location, source and ownership of material support and resources, knowing and intending that such material support and resources were to be used in preparation for, and in carrying out, a violation of Section 2332a(b) of Title 18, United States Code, and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation, to wit, MOHAMMED JUNAID BABAR, a United States citizen, organized a jihad training camp where training in military skills, explosives, and weapons was given, provided lodging and arranged transportation for others to and from the training camp, and purchased and attempted to purchase ammonium nitrate and aluminum powder for destructive devices and bombs to be used in attacks in the United Kingdom.

(Title 18, United States Code, Sections 2339A, 2, and 3238.)

COUNT FIVE

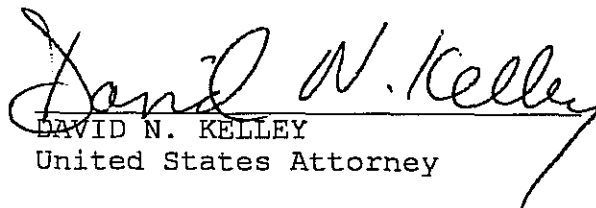
Making Or Receiving A Contribution Of Funds,
Goods, Or Services To, And For The Benefit Of, Al Qaeda

The United States Attorney further charges:

7. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, a United States person who was first brought to and arrested in the Southern District of New York, unlawfully, willfully, and knowingly

violated a regulation issued under Chapter 35 of Title 50, United States Code, to wit, MOHAMMED JUNAID BABAR and others attempted to and did make and receive a contribution of funds, goods, and services to, and for the benefit of, al Qaeda, a specially designated terrorist, by providing military gear to others who transported the gear to al Qaeda associates in South Waziristan, Pakistan, and by traveling to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there.

(Title 50, United States Code, Section 1705(b); Title 31, Code of Federal Regulations, Sections 595.204 & 595.205; and Title 18, United States Code, Sections 2 and 3238.)


DAVID N. KELLEY
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK**

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MOHAMMED JUNAID BABAR,

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04 Cr.

(Title 18, United States Code,
Sections 2339A, 2339B and 2;
Title 50, United States Code,
Title 1705(b).)

DAVID N. KELLEY
United States Attorney.
