

1
2 DISTRICT OF OREGON)
3)
4 STATE OF OREGON) ss.
5)
6 COUNTY OF MULTNOMAH)

7 **AFFIDAVIT**

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9 I, Mark A. McBryde, being first duly sworn, depose and state that:

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11 1. I am a Special Agent of the Federal Bureau of Investigation (FBI) , and have
12 been so employed since December 8, 1996. I am currently assigned to the Joint Terrorism
13
14 Task Force, Portland, Oregon, office of the FBI, where I investigate acts of terrorism and
15
16 other violations of federal law.

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18 2. This affidavit is submitted in support of the Government's Notice to the
19 Court of a potential conflict of interest in the representation of PATRICE LUMUMBA
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21 FORD should the Court permit a substitution of New York attorney Stanley Cohen for
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23 attorney Whitney Boise. I am aware that Mr. Cohen has represented Sheik Mohamed
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25 Abdirahman Kariye, and seeks to represent Patrice Lumumba Ford, an indicted co-
26
27 conspirator in *United States v. Battle et al.*, CR 02-399-JO. It is unclear if Mr. Cohen
28
currently continues to represent Kariye.

3. I have personally been involved in the investigations described in this affidavit, and have spoken with other state and federal law enforcement officers who have also participated in this investigation. As a result, I have become aware of the following information:

4. On May 2, 2003, a federal grand jury in the District of Oregon returned a superseding indictment charging Jeffrey Leon Battle, Patrice Lumumba Ford, Ahmed Abraham Bilal, Muhammad Ibrahim Bilal, Habis Abdullah Al Saoub, October Martinique Lewis, and Maher Mofeid Hawash with Conspiracy to Levy War Against the United States in violation of 18 U.S.C. § 2384; Conspiracy to Provide Material Support and Resources to Al- Qaida in violation of 18 U.S.C. § 2339B; Conspiracy to Contribute Services to Al-

Qaida and the Taliban in violation of 50 U.S.C. § 1705(b) and 31 C.F.R. §§ 545.204,
1 545.206(b) and 595.205; Conspiracy to Possess and Discharge Firearms in Furtherance of
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3 Crimes of Violence in violation of 18 U.S.C. § 924(c) and (o) (defendant Lewis and Hawash
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5 are not charged in the this count), Possessing Firearms in Furtherance of Crimes of
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7 Violence in violation of 18 U.S.C. § 924(c)(1)(A)(iii) (defendant Lewis and Hawash are not
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9 charged in the this count) and Lewis and Ford are charged with Money Laundering in
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11 violation of 18 U.S.C. § 1956(a)(2)(A). With the exception of Al Saoub and Lewis the
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13 defendants have been arrested and are currently in custody pending trial which is scheduled
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15 for January, 2004. Lewis is on release under the supervision of U.S. Pretrial Services and
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17 Al Saoub remains a fugitive. Since the indictment and arrests the investigation has
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19 continued to determine sources of funding and other resources provided to those
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21 conspirators who traveled and to identify additional participants in the charged conspiracies.

22 5. Sheik Mohamed Abdirahman Kariye , the Imam of the Masjid As Sabr,
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24 Portland, Oregon, has been identified as a target of the above investigation. Based upon
25
26 some of the evidence identified below it is my belief that Kariye may have provided
27
28 financial support to individuals who traveled to Western China in an attempt to enter
Pakistan as a avenue to reach Afghanistan to fight against U.S. forces there.

6. On May 29, 2003, Sheik Mohamed Abdirahman Kariye , the Imam of the
Masjid As Sabr, Portland, Oregon, was sentenced to 5 years probation, and ordered to pay
\$5,109.26 restitution and \$1000 fine, following his guilty plea to one count each of 18
U.S.C. 1035, False Statements Relating to Health Care Matters and 42 U.S.C. 408(a)(7)(A),
Misuse of a Social Security Number. During the course of this federal case Kariye was
represented by Mr. Cohen.

7. During the investigation leading to the above charges of Ford and his
coconspirators, law enforcement recorded numerous conversations between a cooperating
witness (hereinafter “CW”), and Battle and Ford, in which they discuss the details of the

defendants' travel to Western China in an attempt to enter Pakistan and Afghanistan to fight
1 against U.S. forces. During a consensually recorded conversation with the CW on May 9,
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3 2002, Battle told the CW that the Imam (referring to Kariye) had prepared others to fight in
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5 the jihad against Russia.

6 8. During a consensually recorded conversation with the CW on July 24, 2002,
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8 Battle told the CW that the Imam (Kariye) was a Mujahadeen, and that he had fought in the
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10 war (in Afghanistan during Soviet occupation) and subsequently imprisoned in Pakistan for
11
12 a time.

13 9. On July 12, 2002, a conversation between Ford and codefendant Muhammad
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15 Bilal was intercepted pursuant to the Foreign Intelligence Surveillance Act. This
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17 conversation has since been declassified and approved for use in this criminal proceeding by
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19 the United States Attorney General. During the conversation Ford and Muhammad Bilal
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21 appear to be talking for the first time since each returned from China. They discussed how
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23 Battle and Ahmed Bilal were doing and raised the issue of Maher cashing a check for
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25 Muhammad. They further reminisced about their travel to China at which point Muhammad
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27 Bilal stated "if I go back there, it is going to be with a different eye." Bilal stated "its going
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to be different next time I go." Ford replied "I know what I'm doing. I'm a [sic] forge some
documents (unintelligible word) like the Sheik said you needed, the papers you know. . .
forged." Ford further told Bilal, "If we pressed him, Abu Tarek could have convinced him."
"You know, to go ahead and let us."

10. During a consensually recorded conversation with the CW on September 26,
2002, Ford told the CW that the Imam has spoken out very strongly for jihad.

11. During a consensually recorded conversation with the CW on October 1,
2002, Battle told the CW that the Masjid (As Sabr) was the only mosque to teach about
jihad. During the same discussion, when asked by the CW if Kariye told his followers that
Muslims should fight with fellow Muslim brothers of Afghanistan against Americans, Battle
replied "Yes."

12. During a conversation between Battle, the CW, and another witness during
1 the early morning hours of October 4, 2002, Battle told the CW that after the attacks on
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3 September 11, 2001, Al Saoub approached Kariye regarding financing for the trip by the
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5 jihadists. Battle stated that he did not know how much money Kariye had raised, but Battle
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7 indicated that Kariye had provided to Al Saoub an amount of money sufficient to allow
8 \$2000 to each of the travelers to Afghanistan. Battle stated that Kariye had acquired this
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10 money from members of the Masjid As Sabr.

11
12 13. Battle also stated that he and the other jihadists attended the last prayer of the
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15 night prior to their departure. Following the prayer, the members of the group gave
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17 salutations to the people who were in attendance. Battle identified Kariye, among others, as
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19 being present. Battle reiterated that he did not know the identities of the contributors who
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21 provided funds to Kariye for the jihadists, but stated that he believed those in attendance at
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23 the prayer possibly did. Battle further indicated that following the arrest of unindicted
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25 coconspirator Ali Khaled Steitiye October 24, 2001, Kariye directed the group of jihadists to
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27 return to the United States if they were unable to enter Afghanistan. The conversation
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29 between Battle and the CW in the early morning hours of October 4, 2002 was not recorded
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31 due to the limitation of the recording equipment. At the time the CW described the above
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33 details to law enforcement, the CW was not aware that that portion of the conversation was
34
35 not recorded.

14. During his post-arrest interview on October 4, 2002, Battle stated that he was
given \$2000 dollars for his trip to Afghanistan by Al Saoub. Battle told investigators that he
believed the money had come from other "brothers" who attended the Masjid As Sabr, and
that Al Saoub told him that he had likewise provided an unspecified amount of money to
Ford. Battle further stated that he had talked to Kariye about jihad and issues surrounding
that subject.

15. Kariye has been identified as a member of the Board of Directors of the

Global Relief Foundation (GRF) in 1992, according to the Articles of Incorporation. In
1 October 2002, GRF Incorporated was listed by the Department of the Treasury, Office of
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3 Foreign Asset Control, as a Specially Designated Global Terrorist.
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Mark A. McBryde
Special Agent
Federal Bureau of Investigation
Portland, Oregon

Subscribed and sworn to before
me this ____ day of August, 2003

Notary Public

My commission expires _____.