



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

USAMA BIN LADEN,	:	<u>INDICTMENT</u>
a/k/a "Usamah Bin-Muhammad	:	
Bin-Ladin,"	:	S(2) 98 Cr. 1023 (LBS)
a/k/a "Shaykh Usamah Bin-Ladin,"	:	
a/k/a "Abu Abdullah"	:	
a/k/a "Mujahid Shaykh,"	:	
a/k/a "Hajj,"	:	
a/k/a "al Qaqa,"	:	
a/k/a "the Director,"	:	
MUHAMMAD ATEF,	:	
a/k/a "Abu Hafs,"	:	
a/k/a "Abu Hafs el Masry,"	:	
a/k/a "Abu Hafs el Masry el Khabir,"	:	
a/k/a "Taysir,"	:	
a/k/a "Sheikh Taysir Abdullah,"	:	
WADIR EL HAGE,	:	
a/k/a "Abdus Sabbur,"	:	
a/k/a "Abd al Sabbur,"	:	
a/k/a "Norman,"	:	
a/k/a "Wa'da Norman,"	:	
FAZUL ABDULLAH MOHAMMED,	:	
a/k/a "Harun Fazhl,"	:	
a/k/a "Fazhl Abdullah,"	:	
a/k/a "Fazhl Khan,"	:	
MOHAMED SADEEK ODEH,	:	
a/k/a "Abu Moath,"	:	
a/k/a "Noureldine,"	:	
a/k/a "Marwan,"	:	
a/k/a "Hydar," and	:	
MOHAMED RASHED DAOUD AL-'OWHALI,	:	
a/k/a "Khalid Salim Saleh	:	
Bin Rashed,"	:	
a/k/a "Moath,"	:	
a/k/a "Abdul Jabbar Ali Abdel-Latif,"	:	
	:	
Defendants.	:	

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INTRODUCTION

The Grand Jury charges:

Background: Al Qaeda

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international

terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the "mekhtab al khidemat" (the "Services Office") organization which had maintained offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar) and the United States, particularly at the Alkifah Refugee Center in Brooklyn, New York. The group was founded by defendants USAMA BIN LADEN and MUHAMMED ATEF, a/k/a "Abu Hafs al Masry," together with "Abu Ubaidah al Banshiri" and others. From in or about 1989 until the present, the group called itself "al Qaeda" ("the Base"). From 1989 until in or about 1991, the group (hereafter referred to as "al Qaeda") was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1991, the leadership of al Qaeda, including its "emir" (or prince) defendant USAMA BIN LADEN, relocated to the Sudan. Al Qaeda was headquartered in the Sudan from approximately 1991 until approximately 1996 but still maintained offices in various parts of the world. In 1996, defendants USAMA BIN LADEN and MUHAMMED ATEF and other members of al Qaeda relocated to Afghanistan. At all relevant times, al Qaeda was led by its emir, defendant USAMA BIN LADEN. Members of al Qaeda pledged an oath of allegiance (called a "bayat") to defendant USAMA BIN LADEN and al Qaeda.

2. Al Qaeda opposed the United States for several reasons. First, the United States was regarded as an "infidel" because it was not governed in a manner consistent with the group's extremist interpretation of Islam. Second, the United

States was viewed as providing essential support for other "infidel" governments and institutions, particularly the governments of Saudi Arabia and Egypt, the nation of Israel and the United Nations organization, which were regarded as enemies of the group. Third, al Qaeda opposed the involvement of the United States armed forces in the Gulf War in 1991 and in Operation Restore Hope in Somalia in 1992 and 1993, which were viewed by al Qaeda as pretextual preparations for an American occupation of Islamic countries. In particular, al Qaeda opposed the continued presence of American military forces in Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) following the Gulf War. Fourth, al Qaeda opposed the United States Government because of the arrest, conviction and imprisonment of persons belonging to al Qaeda or its affiliated terrorist groups or with whom it worked, including Sheik Omar Abdel Rahman.

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

4. Al Qaeda functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including: the Al Jihad group based in Egypt, led by, among others, Dr. Ayman al Zawahiri, named as a co-conspirator but not as a defendant herein; the Islamic Group (also known as "el Gamaa Islamia" or simply "Gamaa't"), led by Sheik Omar Abdel

Rahman and later by Ahmed Refai Taha, a/k/a "Abu Yasser al Masri," named as co-conspirators but not as defendants herein; and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan and the Kashmiri region of India and the Chechnyan region of Russia. Al Qaeda also maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom and the United States.

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

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

7. USAMA BIN LADEN, the defendant, and al Qaeda also forged alliances with the National Islamic Front in the Sudan and

with representatives of the government of Iran, and its associated terrorist group Hezbollah, for the purpose of working together against their perceived common enemies in the West, particularly the United States.

COUNT ONE

The Conspiracy to Kill United States Nationals

8. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, the Philippines and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda and others known and unknown to the Grand

Jury, unlawfully, willfully and knowingly combined, conspired, confederated and agreed to kill nationals of the United States in violation of Title 18, United States Code, Section 2332(a).

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

Overt Acts

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

The Provision of Guesthouses and Training Camps

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

The Recruitment of American Citizens

b. At various times from at least as early as

1989, USAMA BIN LADEN, the defendant, and others known and unknown, made efforts to recruit United States citizens, including the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," to help al Qaeda in order to utilize the American citizens for travel throughout the Western world to deliver messages and engage in financial transactions for the benefit of al Qaeda and its affiliated groups and to help carry out operations;

Financial Dealings

c. At various times from at least as early as 1989 until the date of the filing of this Indictment, defendant USAMA BIN LADEN, and others known and unknown to the Grand Jury, engaged in financial and business transactions on behalf of al Qaeda, including, but not limited to: purchasing land for training camps; purchasing warehouses for storage of items, including explosives; transferring funds between corporate accounts; and transporting currency and weapons to members of al Qaeda and its associated terrorist organizations in various countries throughout the world;

Establishment of Businesses in the Sudan

d. Following al Qaeda's move to the Sudan in or about 1991, defendant USAMA BIN LADEN established a headquarters in the Riyadh section of Khartoum. USAMA BIN LADEN, the defendant, also established a series of businesses in the Sudan, including a holding company known as "Wadi al Aqiq", a construction business known as "Al Hijra," an agricultural

company known as "al Thamar al Mubaraka," an investment company known as "Ladin International," an investment company known as "Taba Investments," and a transportation company known as "Qudarat Transport Company." These companies were operated to provide income to support al Qaeda and to provide cover for the procurement of explosives, weapons and chemicals and for the travel of al Qaeda operatives. The defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," worked for various of the Bin Laden companies and also served as Bin Laden's personal secretary;

Mohamed Sadeek Odeh Joins al Qaeda

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

The Fatwabs Against American Troops in Saudi Arabia and Yemen

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

Arabia and Yemen, should be attacked;

The Fatwah Against American Troops in Somalia

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

The Establishment of Training Camps for Somalia

h. In or about late 1992 and 1993, MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs," the defendant, travelled to Somalia on several occasions for the purpose of determining how best to cause violence to the United States and United Nations military forces stationed there and reported back to defendant USAMA BIN LADEN and other al Qaeda members at USAMA BIN LADEN's facilities located in Khartoum, the Sudan;

i. Beginning in or about early spring 1993, al Qaeda members, including the defendants MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," along with "Abu Ubaidah al Banshiri," a co-conspirator not named herein as a defendant, provided military training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

The Attacks on the United States Forces in Somalia

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

The Shipment of Weapons and Explosives to Saudi Arabia

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

The Efforts to Obtain Nuclear Weapons and Their Components

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

The Efforts to Obtain Chemical Weapons and Their Components

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

The Establishment of the Kenya Base of Operations

n. In or about 1994, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan,"

a/k/a "Hydar," moved to Mombasa, Kenya, and set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. While in Kenya, ODEH was visited by the military commanders of al Qaeda, defendant MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," and "Abu Ubaidah al Banshiri";

o. In or about 1994, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," moved from Khartoum in the Sudan to Nairobi, Kenya, and set up businesses and other organizations in Kenya. While in Kenya, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," met repeatedly with one of the military commanders of al Qaeda, "Abu Ubaidah al Banshiri";

p. In or about 1996, in Mombasa, Kenya, an individual associated with al Qaeda displayed TNT and detonators obtained in Tanzania to the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar";
The Drowning of "Abu Ubaidah al Banshiri" and its Aftermath

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

r. In or about the spring of 1996, the defendants WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," "Norman," a/k/a "Wa'da Norman," and FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazl," a/k/a "Fazl Abdullah," a/k/a "Fazl Khan,"

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

Al-'Owhali Receives Training in al Qaeda Camps

s. Beginning in or about 1996, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," was trained in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda. AL-'OWHALI was trained in explosives, hijacking, kidnapping, assassination and intelligence techniques;

The August 1996 Declaration of War

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

Al-'Owhali Meets with Bin Laden

u. In or about 1996, following his training in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," met with defendant USAMA

BIN LADEN and asked him for a "mission";

El Hage Engages in Coded Correspondence

v. At various times during the course of the conspiracy, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," engaged in coded correspondence with other members and associates of the al Qaeda organization;

El Hage Lies to the FBI in September 1997

w. On or about September 23, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a Special Agent of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda:

El Hage Lies to the Grand Jury in September 1997

x. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda:

El Hage Lies to the FBI in October 1997

y. On or about October 17, 1997, in Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false

statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda;

The February 1998 Fatwah Against American Civilians

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

aa. In or about April 1998, the defendant MOHAMED SADEEK ODER, a/k/a "Abu Moath," a/k/a "Noureddine," a/k/a "Marwan," a/k/a "Hydar," discussed the fatwahs issued by BIN LADEN and al Qaeda against America with another member of al Qaeda in Kenya;

The May 1998 Fatwah

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

The May 1998 Press Conference

ac. In the days immediately following a May 1998 press interview, USAMA BIN LADEN, the defendant, held a press conference in Khost, Afghanistan, attended also by the defendants MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," and MOHAMED RASHED

DAOUD AL-'OWHALI, where USAMA BIN LADEN repeated his intention to kill Americans;

Preparation for the Bombings of United States Embassies

ad. In or about May 1998, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," rented a villa located at 43 Rundu Estates in Nairobi, Kenya;

ae. In or about July 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," discussed with another member of al Qaeda in Kenya the fact that defendant USAMA BIN LADEN had formed a united front against the United States with other Islamic extremist groups;

af. On or about July 31, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," travelled from Lahore, Pakistan, to Nairobi, Kenya;

ag. In or about July 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," and an individual known as "Azzam" filmed a videotape to celebrate their anticipated "martyrdom" in a bombing operation to be conducted against United States interests in East Africa, claiming credit in the name of a fictitious organization, the "Army for the Liberation of Islamic Holy Places";

ah. Prior to August 2, 1998, the defendant

MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," obtained a false passport to facilitate his travel with other al Qaeda members to Afghanistan to meet with defendant USAMA BIN LADEN:

ai. On or about August 1, 1998, an al Qaeda member advised the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," that all members of al Qaeda had to leave Kenya by Thursday, August 6, 1998:

aj. In or about early August 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and other members of al Qaeda travelled from Mombasa, Kenya, to Nairobi, Kenya:

The Final Preparations for the Bombings

ak. During the first week of August 1998, the defendants FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," together with "Azzam" and other members of al Qaeda, met at a villa located at number 43 Rundu Estates in Nairobi, Kenya, to make final preparations for the bombing of the United States Embassy in Nairobi, Kenya:

al. On or about August 2, 1998, the defendants MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan,"

together with other members of al Qaeda, met at the Hilltop Hotel in Nairobi, Kenya;

am. From on or about August 2 through on or about August 6, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," stayed together with other members of al Qaeda at the Hilltop Hotel in Nairobi, Kenya;

an. On or about August 4, 1998, the defendants FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul-Jabbar Ali Abdel-Latif," together with "Azzam" and other members of al Qaeda, reconnoitered the United States Embassy in Nairobi, Kenya;

ao. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," shaved his beard and obtained new clothing in preparation for travel outside of Kenya to Afghanistan to meet with defendant USAMA BIN LADEN;

ap. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," walked along Moi Avenue in Nairobi, Kenya, in the vicinity of the United States Embassy;

Odeh's Flight from Nairobi the Night Before the Bombings

aq. On or about August 6, 1998, in the evening, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a

"Noureldine," a/k/a "Marwan," a/k/a "Hydar," based on instructions from al Qaeda members, left Nairobi, Kenya, for Pakistan under an assumed name on Pakistani International Airways flight # 746;

The Bombing in Nairobi

ar. On August 7, 1998, beginning at approximately 9:30 a.m., the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," drove a pick-up truck from the villa located at 43 Rundu Estates to the vicinity of the United States Embassy in Nairobi, Kenya, while the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," rode in another vehicle containing a large bomb driven by "Azzam" (the "Nairobi Bomb Truck") to the United States Embassy in Nairobi, Kenya. The defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," possessed four stun-grenade type devices, a handgun and keys to the padlocks on the Nairobi Bomb Truck;

as. On August 7, 1998, at approximately 10:30 a.m., the defendant MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," got out of the Nairobi Bomb Truck as it approached the rear of the Embassy building and brandished a stun grenade before throwing it in the direction of a security guard and then seeking to flee;

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

au. On August 7, 1998, at approximately 10:30 a.m., "Azzam" detonated the explosive device contained in the Nairobi Bomb Truck at a location near the rear of the Embassy building, demolishing a multi-story secretarial college and severely damaging the United States Embassy building and the Cooperative Bank Building, causing a total of more than 213 deaths, as well as injuries to more than 4,500 people, including citizens of Kenya and the United States;

av. Following the August 7, 1998, bombing of the Embassy building, the defendant MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," sought to secrete bullets and keys to the padlock on the Nairobi Bomb Truck in a hospital clinic in Nairobi;

The Dar es Salaam Bombing

aw. On August 7, 1998, at approximately 10:40 a.m., a co-conspirator detonated an explosive device contained in a vehicle in the vicinity of the United States Embassy building located in Dar es Salaam, Tanzania, severely damaging the United States Embassy building and causing the deaths of at least 11 persons, including Tanzanian citizens, on the Embassy property, as well as injuries to at least 85 people;

"Harun" Flees After the Bombing

ax. In the days immediately following the bombings, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," hired persons to clean the villa located at 43 Rundu Estates in Nairobi, Kenya;


ay. On or about August 14, 1998, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," went to the Comoros Islands;

El Hage Lies to the FBI in August 1998

az. On or about August 20, 1998, in Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda and the August 1998 bombings in Africa; and

El Hage Lies to the Grand Jury in September 1998

ba. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda and the August 1998 bombings in Africa.



COUNTS TWO THROUGH TWO HUNDRED TWENTY SEVEN:
THE AFRICA BOMBINGS

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

The Grand Jury further charges:

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

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

detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of at least 213 persons, including Kenyan and American citizens.

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

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

The Grand Jury further charges:

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

14. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means

of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of at least 11 persons, including Tanzanian citizens.

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

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

The Grand Jury further charges:

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

16. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif,"

defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of:

<u>Count</u>	<u>Victim</u>
4	BONTIA ACHOLA
5	SAMSON ODUOR AHOMO
6	MARGARET AKINYI
7	JESSE NATHANIEL ALIGANGA
8	SYLIA AMBASA
9	ELIZABETH ANYANGO
10	MONICA APONDI
11	PATRICIA ATIENO
12	ALLAN SABATO BANDO
13	ROSETTA BARAZA
14	JULIAN LEOTIS BARTLEY JR.
15	JULIAN LEOTIS BARTLEY SR.
16	CHRISPINE BONYO
17	DANIEL KIPRONO CHERUIYOT
18	JEAN DALIZU
19	SHEIKH FAHAT
20	EVA NYANJAU GACHERU

21 JANE WANGUI GACHERU
22 ALICE NDUTA GACHIRI
23 RAPHAEL JOHNSON GATHUMBI
24 AGNES WANJIRU GITAU
25 LAWRENCE AMBROSE GITAU
26 JOEL KAMAU GITHUMBI
27 BENARD MUGAMBI GITONGA
28 SUSAN WAIRIMU GITU
29 ROSEMARY NJERI GITUMA
30 HASSAN HUKAY GURACHA
31 BURHAN ADEN HANSHI
32 MOLLY H. HARDY
33 KENNETH RAY HOBSON
34 ANTHONY KIHATO IRUNGU
35 GEORGE IRUNGU
36 JANE WANGARI ITOTIA
37 DORINE ALUOCH JOW
38 JOHN KAROKI KAHUTHU
39 GEOFFREY KALEO
40 FRANCIS KIHARA KAMUTI
41 LAWRENCE GITAU KAMUTI
42 MARGARET WANJIKU KANGI
43 CHARLES MUGO KARANJA
44 LUCY NYAWIRA KARIGI
45 MOSES KARIUKI
46 CHRISTINE WAIRUMU KARUMBA

47	PRABHI KAVALER
48	FRANCIS KIBE
49	JACKLINE NYAWIRA KIBERA
50	FELISTUS NJERI KIMANI
51	RAEL MBURI KIMANI
52	STEPHEN MAINA KIMANI
53	SIMON KINUTHIA
54	JOE KIONGO
55	ARLENE BRADLEY KIRK
56	FRANCIS KABATHI KIU
57	DOMINIC KIVUVA
58	DAVID NDULA KOIMBURI
59	JULIAN KWALI
60	PETER MBEVI KYELO
61	MOSES MULI KYULE
62	EMMANUEL MACHAMBELE
63	DENIS R. MADEGWA
64	ANN MUMBI MAINA
65	FRANK MAINA
66	LIDIAH NDINDA MAINGI
67	CECELIA MAMBOLEO
68	MARY LOUISE MARTIN
69	JAMES OTIENO MASEA
70	ANNE NYAMBURA MATHENGE
71	PITY MWIHAKI MATHENGE
72	SIMON PETER NGUMO MATU

73 JUNE MARY MAWEU
74 LYDIA MUKURI MAYAKA
75 DOREEN MBAYAKI
76 FRANCIS MBOGO
77 FRANCIS NDUNGU MBOGUA
78 RACHAEL KABENDI MBOYA
79 LUCY WARUTHI MBUNYA
80 STEPHEN WAWERU MBURU
81 JAMES MATHENGE MIGWI
82 ELIZABETH ONYANGO MITO
83 AHMED WARKO MOHAMMED
84 LUCIANO MUGAMBI
85 JUSTUS NJERU MUGENDI
86 GILBERT MUGO
87 PETER IRUNGU MUGO
88 JOSPHAT MUTUA MUIA
89 EDWARD MUKAYA
90 LOISE NJERI MUKOMA
91 SAMUEL VONDO MULALIA
92 FRANCIS MUKENYE MULEKI
93 THOMAS MUNDANYI
94 BENSON WATHIGU MUNIRI
95 CAROLINE MUMBI MURAGURI
96 TIRUS MURAGURI
97 CATHERINE MUREITHI
98 FRIDA WAMBUI MURITU

99	ALICE WARUGURU MURIUKI
100	MARY WANJIKU MURIUKI
101	ROBERT MIGWI MURIUKI
102	RUTH MWKAI MUSYOKA
103	WILSON KIPKORIR MUTAI
104	FLORENCE MWENDE MUTHAMA
105	EMMANUEL NJAGA MUTHURIA
106	DANIEL MAUNDU MUTINDA
107	JOSPHINE NZILANI MUTINDA
108	CATHERINE NDUMI MUTUA
109	CAROLINE KARAMBO MUTUIIRI
110	GLORIA NGATHA MUTUIIRI
111	GEOFFREY MUNYIRI MUTUNGA
112	PATRICK KARIUKI MUTURI
113	GABRIEL MWANDIME
114	HARRISON NJUGUNA MWANGI
115	NAFTALI MWANGI
116	ROSELINE WANJIKU MWANGI
117	SAMUEL GITHUA MWANGI
118	MOSES ASTON MWANI
119	ANN MWANIKI
120	ISACK MUGERA MWARIA
121	PAMELA MBOYA MWENGE
122	EDWIN MUNGAI MWEYA
123	ABDALLA MUSYOKI MWILU
124	NKRUMA TONNY MYIZALA

125	MOSES NAMAYI
126	MARY NYAGA NDIRANGO
127	CAROLINE NDOLO
128	MARTIN K. NDUATI
129	JULIUS NDULU
130	EDWIN PAUL NDUMBI
131	EPHRAHIM KINGORI NDUNGU
132	PETER NJOROGE NDUNGU
133	JOYCE NJERI NG'ANG'A
134	JOHN MWANGI NGARAGARI
135	PETER MACHARIA NGUGI
136	ABEL MUGAMBI NJAU
137	SIMON MWANGI NJIMA
138	CATHERINE WAMBARA NJOKA
139	AGATHA NJOKI
140	JACINTA NJOKI
141	FRANCIS NDUNGU NJOROGE
142	GRACE NYAMBURA NJOROGE
143	WILLIAM WAITHAKA NJOROGE
144	GODFREY MUCHORI NJUGUNA
145	PATRICK NJUGUNA
146	BEATRIC NYAMBURA
147	MICHAEL ODUOR NYANDEBA
148	ELIZABETH NYAROTSO
149	VINCENT KAMAU NYOIKE
150	JANET NDOOME NZIOKA

151	KIMEU NZIOKA
152	MAGDALINE MBITHE NZIOKA
153	JOSEPH NGOVE NZWILI
154	MARGRET ATIENO OBONYA
155	JOSHUA ANEAH OBONYO
156	FREDRICK EBRA OCHIENG
157	MICHAEL OCHIENG
158	FRANCIS OLEWE OCHILO
159	LAWRENCE OLUM OCHOKA
160	ANN MICHELLE O'CONNOR
161	DUNCAN ODHIAMBO
162	EMMA ODHIAMBO
163	JOHN ODHIAMBO ODUOR
164	MAURICE OKACH OHOLLA
165	SIMON OTIENO OLANG
166	SHERRY LYNN OLDS
167	KITALIAN OLOTONO
168	HANSON NYABERA OMAE
169	HINDU OMARI
170	EDWIN OMORI
171	ENOCK OMWENO
172	LUCY ONONO
173	ERIC OBUR ONYANGO
174	JOHN OUKO ONYANGO
175	CAROLINE OPATI
176	SILVIA ORIENDO

177	GODFREY OKORO ORONO
178	ELIZABETH ACHIENG ORWA
179	EVANS OSONGO
180	DOMINIC ALANGO OTIENO
181	ELIAS OTIENO
182	JULIUS OTIENO
183	MATHEW WALUNYA OTIENO
184	ROGERS OTORO
185	ELIJAH NGITO OWINO
186	JOSIAH ODERA OWUOR
187	RACHAEL PUSSY
188	MARGRET LLELLO RADING
189	RUTH MUKAMI RUNGU
190	JOSEPH ONDARI SALAMBA
191	TIMOTHY ODHIAMBO SANDE
192	UTTAMLAL THOMAS SHAH
193	HASSAN JARSO SOKA
194	SHADRACK NYAGA THITO
195	SAMUEL MBUGUA THUO
196	PHAEMA VRONTAMIS
197	GLORIA WANGECHI WACHIRA
198	SHADRACK MWANGI WAGANYU
199	JAMES MWANGI WAINAINA
200	TERESIA KIONGO WAIRIMU
201	SABENA WALTER
202	ADAMS WAMAI

203	RACHEL WAMBUI
204	JOHN GITAU WAMUTWE
205	DAVID SOITA WANABACHA
206	JOHN AMOS WANGAI
207	SHARON WANGECHI
208	GLADYS WANGUI
209	MARGARET WANGUI
210	MERCY WANJIKU
211	JOHN MWANGI WANYOIKE
212	MARGARET WASIKE
213	MARGRET NJERI WAWERU
214	FREDRICK MALOBA YAFES
215	ANN MUMO ZAKAYO
216	UNIDENTIFIED MALE

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

COUNTS TWO HUNDRED SEVENTEEN THROUGH TWO HUNDRED TWENTY SEVEN
MURDERS IN DAR ES SALAAM, TANZANIA

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

18. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a

"Sheikh Taysir Abdullah," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODER, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of:

<u>Count</u>	<u>Victim</u>
217	ABDULAHAMAN ABDULAH
218	ELISHA PAULO ELIA
219	HASSAN SIYAD HARANE
220	RAMADHANI H. MAHUNDI
221	MTENDEJE RAJABU MBEGU
222	ABDALLAH MOHAMED
223	ABAS WILLIAM MWILA
224	ALMOSARIA YUSSUF MZEE
225	SHAMTE YUSUPH NDALE
226	BAKARI YUSUPH NYUMBO
227	DOTTO SELEMAN

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

COUNTS 228 THROUGH 235: PERJURY BEFORE FEDERAL GRAND JURIES

The Grand Jury charges:

Background

19. Beginning in 1996, the United States Attorney for the Southern District of New York and the Federal Bureau of Investigation, working with a number of other federal, state and local agencies, initiated a Grand Jury investigation into Usama Bin Laden and the involvement of his organization (known as "al Qaeda") in international terrorism. The Grand Jury investigation included, among other things, the issuance of Grand Jury subpoenas calling for witnesses to testify before a Grand Jury sitting in the Southern District of New York and to produce documents to the Grand Jury. By September 1997, the Grand Jury investigation focused, in part, upon: (i) the structure and operational status of al Qaeda in countries including the Sudan, Saudi Arabia, Egypt, Yemen, Somalia, Eritrea, Afghanistan, Pakistan, Bosnia, Croatia, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan and Azerbaijan, and the Chechnya region of Russia and the Kashmiri region of India, as well as in Kenya and the United States; (ii) the targets of al Qaeda's terrorist activities, including American interests, worldwide; (iii) the relationship between the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," and the al Qaeda organization, including its leader Usama Bin Laden, al Qaeda's late military commander known as "Abu Ubaidah al Banshiri," and al Qaeda's current military commander: defendant Muhammed Atef, a/k/a "Abu Hafs el Masry."

20. It was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:
- a. the tactical goals, and corresponding terrorism targets, of Usama Bin Laden and al Qaeda;
 - b. the identities, code names, aliases and whereabouts of any al Qaeda members and associates;
 - c. the names of persons with whom the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," associated while living in the Sudan and Kenya and while travelling in Pakistan and Afghanistan;
 - d. the nature and extent of the defendant WADIH EL HAGE's contacts with Usama Bin Laden and Muhammed Atef, a/k/a "Abu Hafs el Masry," as well as with "Abu Ubaidah al Banshiri," particularly in the period from 1993 through the fall of 1997;
 - e. the role played by Usama Bin Laden and the members and associates of the al Qaeda organization, particularly to include the defendants WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," and Muhammed Atef, a/k/a "Abu Hafs el Masry," as well as "Abu Ubaidah al Banshiri," in the provision of logistical support and training to the persons who attacked the United States and United Nations forces in Somalia in 1993 and the early part of 1994;
 - f. whether "Abu Ubaidah al Banshiri" was working in Kenya and Tanzania on behalf of Usama Bin Laden and al Qaeda during the time preceding his drowning death in Lake Victoria in the summer of 1996;

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

h. the nature of the work conducted by Fazul Abdullah Mohammed, the deputy of the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in Kenya and whether Fazul Abdullah Mohammed was working for Usama Bin Laden; and

i. whether the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," was still working for Usama Bin Laden's al Qaeda organization in 1997.

21. On or before September 24, 1997, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," was served with a Grand Jury subpoena calling for him to testify before a Grand Jury sitting in the Southern District of New York.

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

23. Following the appearance of the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman,"

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

24. In addition to the matters recited in paragraph 21

above, it was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

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

b. the efforts of the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," to obtain chemical weapons and/or their components at various times in the 1990's;

c. the nature and extent of contacts by the defendant WADIH EL HAGE with Fazul Abdullah Mohammed and Mohamed Sadeek Odah in the period leading up to the bombing of the United States embassies; and

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

25. On or about September 15, 1998, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," was served with a Grand Jury subpoena calling for him to testify further before a Grand Jury sitting in the Southern District of New York.

26. On or about September 16, 1998, after taking an oath to testify truthfully, after being advised of his constitutional rights and after being advised that if he failed to testify truthfully he could be prosecuted for perjury, the defendant WADIH

EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," testified before a Grand Jury sitting in the Southern District of New York.

COUNT 22B: Statutory Allegation

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

- (a) Q. Now, when was the last time you saw Abu Ubaidah al Banshiri?
- A. In Sudan before I left.
- Q. 1994 before you left?
- A. Yes.
- Q. Do you know where he is today?
- A. Either in Sudan or in Afghanistan.
- * * *
- (b) Q. Did you look for Abu Ubaidah al Banshiri when you went to Lake Victoria in the summer of 1996?
- A. No.
- (c) Q. Did anyone tell you Abu Ubaidah had drowned in that ferry accident?
- A. No.
- (d) Q. No one ever told you at any time that Abu Ubaidah drowned

in the summer of 1996?

A. No.

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

A. Nobody told me.

* * *

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

A. No. Never.

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

A. No. I went looking for Adel Habib.

* * *

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

A. No.

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

COUNT 229: Statutory Allegation

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

underlined testimony:

- (a) Q. When did you hear Al Qaida began to target the United States?
- A. In the latest interview with Usama Bin Laden, CNN.
- Q. Approximately how long ago did you see Bin Laden state on CNN that the United States was now the target?
- A. When I came back to Nairobi about three weeks ago.
- * * *
- Q. Had you ever heard Usama Bin Laden state that the American forces should be attacked, prior to seeing it on CNN television?
- A. No, never.
- (b) Q. You are positive?
- A. Yes.
- (c) Q. You are swearing that under oath, under the penalties of perjury -- strike the word swear. You are stating that under oath, under the penalties of perjury, that prior to hearing it on CNN you had not heard Usama Bin Laden declare that America should be attacked?
- A. Yes. Never heard that before.

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

COUNT 230: Statutory Allegation

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

underlined testimony concerning a photograph of Mohamed Sadeek Odeh:

- (a) Q. And I'll show you Grand Jury Exhibit 5 from September 10th of 1998 and ask whether you recognize the person depicted in Grand Jury exhibit 5?
- A. I've seen this picture on TV.
- Q. You've seen this picture on the TV?
- A. Yes.
- Q. How recently did you see it on the TV?
- A. Two or three weeks ago.
- Q. Have you ever seen this person in person?
- A. No, I have never seen him in person.
- * * *
- (b) Q. Who is Mohamed Oudeh?
- A. I don't know.
- * * *
- (c) Q. Do you recognize Grand Jury Exhibit 5 as Mohamed Oudeh?
- A. I have never seen this person before.
- * * *
- (d) Q. Is it your testimony to this Grand Jury under oath that you've never met this person depicted in Grand Jury Exhibit 5 in your entire life?
- A. I don't recall meeting him at all.
- * * *
- (e) Q. As you sit here today, you're telling this Grand Jury you have no recollection of the person depicted in Grand Jury Exhibit 5?
- A. Yes, sir. I don't.
- (f) Q. You have no recollection?

A. Right.

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

COUNT 231: Statutory Allegation

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

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

A. No.

* * *

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

A. No.

* * *

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

A. I don't know.

* * *

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

A. I don't know.

(e) Q. Is it you?

A. No.

*

*

*

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

A. Yes, I'm not Norman.

*

*

*

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

A. No, never.

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

COUNT 232: Statutory Allegation

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

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

A. No.

*

*

*

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

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

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

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

* * *

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

A. No.

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

A. No.

* * *

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

A. Yes.

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

A. Yes.

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

A. I don't think so.

* * *

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

A. Not that I know of.

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

A. Not that I know of.

* * *

(g) Q. How do you know?

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

* * *

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

A. I never heard that.

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

A. No.

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

A. Correct.

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

A. Right.

* * *

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

A. Never.

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

A. Never.

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

COUNT 233: Statutory Allegation

32. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York,

unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

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

A. No.

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

COUNT 234: Statutory Allegation

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

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

A. No.

* * *

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

A. No.

* * *

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

A. No.

COUNT 235: Statutory Allegation

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

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

A. I don't know.

* * *

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

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

* * *

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

A. I can't recall.

* * *

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

A. I have no idea, no.

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

COUNT 236: FALSE STATEMENTS

The Grand Jury further charges:

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

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

COUNT 237: FALSE STATEMENTS

The Grand Jury further charges:

36. On or about October 17, 1997, in Arlington, Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely

stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri," a military commander for Usama Bin Laden, had died when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

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

COUNT 238: FALSE STATEMENTS

38. On or about August 20, 1998, in Dallas, Texas, and Arlington, Texas, the defendant WADIM EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he did not know Mohamed Sadeek Odeh and did not recognize his photograph when in truth and fact EL HAGE knew Mohamed Sadeek Odeh.

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

FOREPERSON



MARY JO WHITE
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

USAMA BIN LADEN,
a/k/a "Usamah Bin-Muhammad
Bin-Ladin,"
a/k/a "Shaykh Usamah Bin-Ladin,"
a/k/a "Abu Abdullah"
a/k/a "Mujahid Shaykh,"
a/k/a "Haji,"
a/k/a "al Qaqa,"
a/k/a "the Director,"
MUHAMMAD ATEF,
a/k/a "Abu Hafs,"
a/k/a "Abu Hafs el Masry,"
a/k/a "Abu Hafs el Masry el Khabir,"
a/k/a "Taysir,"
a/k/a "Sheikh Taysir Abdullah,"
WADIH EL HAGE,
a/k/a "Abdus Sabbur,"
a/k/a "Abd al Sabbur,"
a/k/a "Norman,"
a/k/a "Wa'da Norman,"
FAZUL ABDULLAH MOHAMMED,
a/k/a "Harun Fazhi,"
a/k/a "Fazhi Abdullah,"
a/k/a "Fazhi Khan,"
MOHAMED SADEEK ODEH,
a/k/a "Abu Moath,"
a/k/a "Noureddine,"
a/k/a "Marwan,"
a/k/a "Hydar," and
MOHAMED RASHED DAQUD AL-'OWHALI,
a/k/a "Khalid Salim Saleh
Bin Rashed,"
a/k/a "Moath,"
a/k/a "Abdul Jabbar Ali Abdel-Latif,"

Defendants.

INDICTMENT
S(2) 98 Cr. 1023 (LBS)

(Title 18, U.S.C. Sections 2332(b), 844(f), 930(c), 1523, 1001)

MARY JO WHITE
United States Attorney
Southern District of New York

A TRUE BILL

Foreperson.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA
:

- v. -
:

USAMA BIN LADEN,
a/k/a "Usamah Bin-Muhammad
Bin-Laden,"
a/k/a "Shaykh Usamah Bin-Laden,"
a/k/a "Mujahid Shaykh,"
a/k/a "Abu Abdallah,"
a/k/a "Qa Qa,"
:

INDICTMENT

98 Cr.
:
:

Defendant.
-----X

COUNT ONE

Conspiracy to Attack Defense Utilities of the United States

The Grand Jury charges:

Background: Al Qaeda

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the "mekhtab al khidemat" (the "Services Office") organization which had maintained (and continues to maintain) offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar) and the United States, particularly at the Alkifah Refugee Center in Brooklyn. From in or about 1989 until the present, the group called itself "Al Qaeda" ("the Base"). From 1989 until in or about 1991, the group was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1992, the leadership of Al Qaeda, including its "emir" (or prince) USAMA BIN LADEN, the defendant, and its military command relocated to the

umbrella, including: the Islamic Group (also known as "al Gamaa Islamia" or simply "Gamaa't"), led by co-conspirator Sheik Omar Abdel Rahman; the al Jihad group based in Egypt; the "Talah e Fatah" ("Vanguards of Conquest") faction of al Jihad, which was also based in Egypt, which faction was led by co-conspirator Ayman al Zawahiri ("al Jihad"); Palestinian Islamic Jihad; and a number of jihad groups in other countries, including Egypt, the Sudan, Saudi Arabia, Yemen, Somalia, Eritrea, Kenya, Pakistan, Bosnia, Croatia, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Chechnya, Bangladesh, Kashmir and Azerbaijan. In February 1998, Al Qaeda joined forces with Gamaa't, Al Jihad, the Jihad Movement in Bangladesh and the "Jamaat ul Ulema e Pakistan" to issue a fatwah (an Islamic religious ruling) declaring war against American civilians worldwide under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders."

4. Al Qaeda also forged alliances with the National Islamic Front in the Sudan and with the government of Iran and its associated terrorist group Hezbollah for the purpose of working together against their perceived common enemies in the West, particularly the United States. In addition, al Qaeda reached an understanding with the government of Iraq that al Qaeda would not work against that government and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the Government of Iraq.

5. Al Qaeda had a command and control structure which included a mailis al shura (or consultation council) which discussed and approved major undertakings, including terrorist

operations.

6. Al Qaeda also conducted internal investigations of its members and their associates in an effort to detect informants and killed those suspected of collaborating with enemies of Al Qaeda.

7. From at least 1991 until the date of the filing of this Indictment, in the Sudan, Afghanistan and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Laden," a/k/a "Shaykh Usamah Bin-Laden," a/k/a "Mujahid Shaykh," a/k/a "Abu Abdallah," a/k/a "Qa Qa," the defendant, and a co-conspirator not named as a defendant herein (hereafter "Co-conspirator") who was first brought to and arrested in the Southern District of New York, and others known and unknown to the grand jury, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to injure and destroy, and attempt to injure and destroy, national-defense material, national-defense premises and national-defense utilities of the United States with the intent to injure, interfere with and obstruct the national defense of the United States.

Overt Acts

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

a. At various times from at least as early as 1991 until at least in or about February 1998, USAMA BIN LADEN, the defendant, met with Co-conspirator and other members of Al Qaeda in

the Sudan, Afghanistan and elsewhere;

b. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to obtain weapons, including firearms and explosives, for Al Qaeda and its affiliated terrorist groups;

c. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, provided training camps and guesthouses in various areas, including Afghanistan and the Sudan, for the use of Al Qaeda and its affiliated terrorist groups;

d. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to produce counterfeit passports purporting to be issued by various countries and also obtained official passports from the Government of the Sudan for use by Al Qaeda and its affiliated groups;

e. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to recruit United States citizens to Al Qaeda in order to utilize the American citizens for travel throughout the Western world to deliver messages and engage in financial transactions for the benefit of Al Qaeda and its affiliated groups;

f. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to utilize non-Government organizations which purported to be engaged in humanitarian work as conduits for transmitting funds for the benefit of Al Qaeda and its affiliated groups;

g. At various times from at least as early as

1991, Co-conspirator and others known and unknown to the grand jury engaged in financial and business transactions on behalf of defendant USAMA BIN LADEN and Al Qaeda, including, but not limited to: purchasing land for training camps; purchasing warehouses for storage of items, including explosives; transferring funds between bank accounts opened in various names; obtaining various communications equipment, including satellite telephones; and transporting currency and weapons to members of Al Qaeda and its associated terrorist organizations in various countries throughout the world;

h. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that Al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hezbollah, to cooperate against the perceived common enemy, the United States and its allies;

i. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked;

j. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members

of Al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

k. Beginning in or about early spring 1993, Al Qaeda members began to provide training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

l. On October 3 and 4, 1993, members of Al Qaeda participated with Somali tribesmen in an attack on United States military personnel serving in Somalia as part of Operation Restore Hope, which attack killed a total of 18 United States soldiers and wounded 73 others in Mogadishu;

m. On two occasions in the period from in or about 1992 until in or about 1995, Co-conspirator helped transport weapons and explosives from Khartoum to Port Sudan for transshipment to the Saudi Arabian peninsula;

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

o. At various times from at least as early as 1993, USAMA BIN LADEN and others known and unknown, made efforts to produce chemical weapons;

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


Afghanistan. The Declaration of Jihad included statements that efforts should be pooled to kill Americans and encouraged other persons to join the jihad against the American "enemy";

g. In or about late August 1996, USAMA BIN LADEN read aloud the Declaration of Jihad and made an audiotape recording of such reading for worldwide distribution; and

r. In February 1998, USAMA BIN LADEN issued a joint declaration in the name of Gamaa't, Al Jihad, the Jihad Movement in Bangladesh and the "Jamaat ul Ulama e Pakistan" under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders," which stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found.

(Title 18, United States Code, Section 2155(b).)

~~FOREPERSON~~



MARY JO WHITE
United States Attorney